



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: February 6, 2024
MOAHR Docket No.: 23-009348
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On December 20, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the decrease in her Food Assistance Program (FAP) benefits. As a result, a hearing was scheduled to be held on January 25, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. [REDACTED] [REDACTED] Petitioner's husband, appeared as an observer. Respondent, Department of Health and Human Services (Department), had Todd Barrus, Assistance Payments Supervisor, appear as its representative.

A 23-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A. There were no proposed exhibits offered by Petitioner.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. A system update was processed by the Department and information was added that Petitioner's [REDACTED]-year-old son would start receiving SSI income of \$943.00 beginning December 2023.
2. Because Petitioner's son is a mandatory FAP group member, this income was added into the group's FAP budget and the Department redetermined Petitioner's eligibility for FAP with the increased unearned income.

3. Petitioner has a household size of 6.
4. Petitioner received earned income of \$ [REDACTED]
5. Petitioner received the standard deduction of \$279.00.
6. Petitioner's housing costs were \$933.00 and because Petitioner reported that she pays for heat, Petitioner received the heat/utility standard of \$680.00.
7. On December 14, 2023, a Notice of Case Action was issued stating that her FAP benefits would decrease.
8. On December 20, 2023, Petitioner requested a hearing to dispute the Department's decision.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The FAP [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In calculating the FAP budget, the Department considers the gross benefit amount of Social Security Administration issued Supplemental Security Income (SSI) as unearned income. BEM 503, January 1, 2023, p. 35.

In this case, the Department re-determined Petitioner's eligibility for FAP beginning December 2023. The Department considered Petitioner's husband's earned income, Petitioner's son's income from SSI benefits, the standard deduction, Petitioner's housing expenses, and the heat/utility standard.

On December 14, 2023, a Notice of Case Action was issued to Petitioner stating her FAP benefits would decrease.

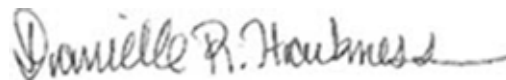
Petitioner did not dispute the amount of the earned and unearned income or the allowable shelter expenses that were used in computing her FAP budget. Petitioner indicated that her husband is the only one that works and that her family was struggling prior to the reduction in FAP benefits, so now that her FAP benefits have been reduced, this has caused a greater hardship for her and her family.

Overall, based on the information that the Department had at the time the system update was processed, the Department acted in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined Petitioner's eligibility for FAP benefits.

Accordingly, the Department's decision is **AFFIRMED**.



DH/nr

Danielle R. Harkness
Administrative Law Judge

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS
Jessica Sheely
Hillsdale County DHHS
40 Care Drive
Hillsdale, MI 49242
**MDHHS-Hillsdale-
Hearings@michigan.gov**

Interested Parties
Hillsdale County DHHS
BSC4
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]