



GRETCHEN WHITMER  
GOVERNOR

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

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ACTING DIRECTOR

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██████████, MI ██████████

Date Mailed: February 1, 2024  
MOAHR Docket No.: 23-009590  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

### **HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held on January 24, 2024, via teleconference. Petitioner appeared and represented herself. Sonia Baker, Assistance Payments Supervisor, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted as MDHHS Exhibit A, pp. 1-45.

### **ISSUE**

Did MDHHS properly terminate Petitioner's 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. Petitioner was an ongoing recipient of FAP benefits.
2. On November 7, 2023, Petitioner submitted a FAP renewal to MDHHS (Exhibit A, p. 19). Petitioner reported that she and ██████████ (Son) were in the household (Exhibit A, p. 19). Petitioner reported that Son had a disability (Exhibit A, p. 19). Petitioner reported employment income for the household (Exhibit A, p. 20).

3. On December 14, 2023, MDHHS sent Petitioner a Notice of Case Action, indicating that her FAP case would close effective January 1, 2024 due to excess income (Exhibit A, pp. 8-9).
4. On December 19, 2023, Petitioner filed a Request for a Hearing to dispute the closure of her FAP case (Exhibit A, pp. 4-7).

### **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 Food Assistance Program (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. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, MDHHS determined that Petitioner was not eligible for FAP benefits due to excess income and closed Petitioner's FAP case. Petitioner disputed MDHHS' determination.

To determine whether MDHHS properly calculated Petitioner's FAP benefit amount, it is necessary to evaluate the household's countable income. BEM 500 (April 2022), pp. 1-5. MDHHS determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Prospective income is income not yet received but expected. BEM 505 (October 2023), p. 1. For the purposes of FAP, MDHHS must convert income that is received more often than monthly into a standard monthly amount. BEM 505, pp. 8-9. MDHHS converts stable and fluctuating income that is received more often than monthly to a standard monthly amount. *Id.* MDHHS multiplies weekly income by 4.3, multiplies biweekly income by 2.15, and adds amounts received twice a month together. *Id.*

MDHHS budgeted \$ [REDACTED] in earned income based on Petitioner's home help income, income from [REDACTED] (Employer 1), and [REDACTED] (Employer 2). MDHHS testified that it budgeted \$ [REDACTED] in Petitioner's monthly home help income, \$ [REDACTED] from Employer 1 and \$ [REDACTED] from Employer 2. However, adding these amounts together equals \$ [REDACTED]. There was no evidence of other earned income for the household and MDHHS did not explain the discrepancy at the hearing. Given this discrepancy, MDHHS has not shown that it properly budgeted Petitioner's earned income.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case.

**DECISION AND ORDER**

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's FAP case and redetermine Petitioner's eligibility for FAP benefits, beginning January 1, 2024 ongoing;
2. Issue supplemental payments for any FAP benefits that Petitioner was eligible to receive, but did not, from January 1, 2024 ongoing; and
3. Notify Petitioner of its decision in writing.



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**Linda Jordan**  
Administrative Law Judge

LJ/tm

**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**

Denise Key-McCoggle  
Wayne-Greydale-DHHS  
27260 Plymouth Rd  
Redford, MI 48239

**MDHHS-Wayne-15-Greydale-  
Hearings@michigan.gov**

**Interested Parties**

M. Holden  
N. Denson-Sogbaka  
B. Cabanaw  
BSC4

**Via-First Class Mail :**

**Petitioner**

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