



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

Date Mailed: February 22, 2024
MOAHR Docket No.: 23-009943
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 telephone hearing was held on February 15, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. Petitioner's son, [REDACTED] was present with Petitioner and served as Arabic interpreter. The Department of Health and Human Services (Department) was represented by Jacob Frankmann, Assistance Payments Supervisor.

ISSUE

Did the Department properly calculate the amount of Petitioner's Food Assistance Program (FAP) benefits?

Did the Department properly deny Petitioner's application for State Disability Assistance (SDA) benefits?

Did the Department properly process Petitioner's Medical Assistance (MA) 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. On or around [REDACTED] 2023, Petitioner submitted an application requesting FAP and SDA benefits.

2. Petitioner's household consists of herself, and she receives gross monthly income from Retirement Survivors Disability Insurance (RSDI) or Social Security in the amount of [REDACTED]
3. On or around November 29, 2023, the Department sent Petitioner a Notice of Case Action advising her that she was approved for FAP benefits in the prorated amount of \$49 for November 14, 2023, through November 30, 2023, and in the amount of \$88 for December 1, 2023, ongoing.(Exhibit A, pp. 16-20)
 - a. The Notice of Case Action also advised Petitioner that her application for cash assistance under the SDA program was denied due to excess income.
4. On or around December 27, 2023, Petitioner requested a hearing disputing the Department's actions with respect to her FAP, MA, and SDA benefits.
5. During the hearing, it was established that Petitioner's MA case was reinstated and that there has been no lapse in her coverage. Petitioner indicated that she was satisfied with the Department's actions and that the issue she requested a hearing to dispute has been resolved. Additionally, Petitioner testified that she understood the Department's actions with respect to the denial of her SDA application. Therefore, Petitioner's request for hearing with respect to the MA and SDA programs will be DISMISSED.

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. 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 this case, Petitioner disputed the amount of her FAP benefits. The Budget Summary from the Notice of Case Action, as well as the FAP Net Income Results Budget were thoroughly reviewed during the hearing to determine whether the Department properly calculated the amount of Petitioner's FAP benefits.

All countable earned and unearned income available to the client must be considered in determining a client's eligibility for program benefits and group composition policies

specify whose income is countable. BEM 500 (April 2022), pp. 1 – 5. The Department considers the gross amount of money earned from Retirement Survivors Disability Insurance (RSDI) or Social Security in the calculation of unearned income for purposes of FAP budgeting. BEM 503 (January 2023), pp. 29-32.

The Department concluded that Petitioner had unearned income of [REDACTED] which the Department representative testified consisted of Petitioner's gross monthly RSDI benefits. Petitioner confirmed the amount and thus, the unearned income was properly calculated.

The deductions to income on the net income budget were also reviewed. Petitioner's FAP group includes a senior/disabled/veteran (SDV) member. BEM 550 (April 2023), pp. 1-2. Petitioner's FAP group is eligible for the following deductions to income:

- Dependent care expense.
- Excess shelter.
- Court ordered child support and arrearages paid to non-household members.
- Standard deduction based on group size.
- Medical expenses for the SDV member(s) that exceed \$35.
- An earned income deduction equal to 20% of any earned income.

BEM 554 (January 2024), p. 1; BEM 556 (January 2023), p. 1-8.

In this case, Petitioner's group did not have any earned income, thus, there was no applicable earned income deduction. There was no evidence presented that Petitioner had any out-of-pocket dependent care, child support, or medical expenses. Therefore, the budget properly did not include any deduction for dependent care, child support, or medical expenses. See BEM 554.

The Department properly applied a standard deduction of \$198 which was based on Petitioner's confirmed group size of one. RFT 255 (October 2023), p. 1. With respect to the calculation of the excess shelter deduction, Petitioner confirmed that at this time, she is not responsible for any housing expenses such as monthly rent, a mortgage, property taxes, or home insurance. Thus, the Department properly did not include any housing expense. Petitioner further confirmed that at this time, she is not responsible for any heating, cooling, electricity, or water utility expenses, and thus, she is not eligible for the heat and utility standard or other individual utility standards. Based on the evidence presented, the Department properly only considered the telephone standard of \$31.

Upon further review, the Department properly determined Petitioner's net income and took into consideration the appropriate deductions to income. Based on net income of [REDACTED] Petitioner's one person FAP group is eligible for \$88 in monthly FAP benefits. RFT 260 (October 2023), p. 10.

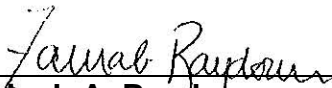
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it calculated Petitioner's FAP benefits. Petitioner is informed that should her circumstances change, and she gain responsibility for any housing expenses or utility costs, the Department will recalculate her FAP eligibility based on the updated and verified information.

DECISION AND ORDER

Accordingly, the hearing request with respect to MA and SDA is **DISMISSED** and the Department's FAP decision is **AFFIRMED**.

ZB/ml



Zainab A. Baydoun
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
Yaita Turner
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka

Via First Class Mail:

Petitioner

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