



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 23, 2024
MOAHR Docket No.: 24-000430
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on February 15, 2024. Petitioner appeared and was represented by her Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) did not appear.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits effective January 1, 2024?

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 is an ongoing FAP recipient.
2. Petitioner is the only person in her household.
3. Petitioner is over the age of [REDACTED] years old.
4. Petitioner receives Supplemental Security Income (SSI) from the Social Security Administration (SSA) in the amount of [REDACTED] or [REDACTED] per month.
5. Petitioner receives state-issued Supplemental Security Income payments (SSP) in the amount of [REDACTED] per month.

6. Petitioner was previously eligible for \$245.00 per month in FAP benefits.
7. Petitioner's benefits were subsequently reduced to \$120.00 per month and she last received that amount in December 2023.
8. Petitioner most recently received \$65.00 on or about January 23, 2024.
9. Petitioner does not have medical expenses in excess of \$35.00 per month.
10. Petitioner pays rent in the amount of \$269.00 per month.
11. The only utilities Petitioner pays are telephone and cable.
12. On December 9, 2024, the Department received Petitioner's request for hearing to dispute the amount of her FAP benefits.

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.

Petitioner submitted a request for hearing to the Department on January 9, 2024, disputing the amount of her FAP benefits.

In contrast to the issue set forth in Petitioner's request for hearing and the AHR's testimony during the hearing, the Department submitted the following hearing summary, which was read into the record of the hearing:

██████████ requested a hearing due to her not receiving January 2024 Food Assistance Program FAP benefits. FAP was delayed due to the DHS-1010 Redetermination was not processed timely. The client was mailed the DHS -1010 on 11/04/2023. The client returned [sic] her redetermination on 11/17/2023 and was logged into Bridges. The DHS 1010 has since been processed and the issue has been resolved. Exhibit 1 DHS-1010 Exhibit 2 Notice of Case Action[.]

The AHR testified that at one time, Petitioner was receiving \$245.00 per month in FAP benefits, but at some point those benefits were reduced to \$120.00 per month and Petitioner continued to receive \$120.00 per month through and including December 2023. The AHR also testified that Petitioner most recently received \$65.00 on or about January 23, 2024.

When asked about Petitioner's income and expenses, the AHR testified that Petitioner receives SSI in the amount of [REDACTED] or [REDACTED] per month and also receives SSP in the amount of [REDACTED] per month, which is paid to her quarterly. The AHR also testified that Petitioner is over 60 years of age and is the only person in her household. He testified that she pays \$269.00 per month in rent, her only utilities are her telephone and cable, and that she does not have medical expenses in excess of \$35.00 per month.

The Department did not appear at the hearing to explain how Petitioner's December 2023 and ongoing FAP benefits were calculated.

Therefore, 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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's FAP benefit amount for December 2023 and January 1, 2024 ongoing.

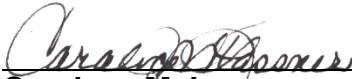
DECISION AND ORDER

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

THE DEPARTMENT 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. Recalculate Petitioner's FAP benefits December 1, 2023 ongoing;
2. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, from December 1, 2023 ongoing; and
3. Notify Petitioner of its decision in writing.

CML/ml



Caralyce M. Lassner
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

Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228

MDHHS-Wayne-17-hearings@michigan.gov

Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka

Via First Class Mail:

Authorized Hearing Rep.

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

Petitioner

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