



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

Date Mailed: February 26, 2024
MOAHR Docket No.: 24-000711
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 25, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the decrease in his Food Assistance Program (FAP) benefits. As a result, a hearing was scheduled to be held on February 22, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Susan Derseweh, Hearings Coordinator.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits beginning 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. A system update was processed by the Department and information was added that Petitioner's group's SSI income would increase beginning January 2024.
2. Beginning January 2024, Petitioner's group received \$661.60 in SSI.
3. This increase in unearned income was added into the group's FAP budget during a review of Petitioner's eligibility for FAP benefits.
4. Petitioner has a household size of 2.
5. Petitioner's group also received \$[REDACTED] from a pension.

6. Petitioner received the standard deduction of \$198.00.
7. Petitioner's monthly housing costs were \$320.00 and because Petitioner reported that he pays for heat, Petitioner received the heat/utility standard of \$680.00.
8. On December 9, 2023, a Notice of Case Action was issued stating that Petitioner's FAP benefits would decrease to \$269.00 effective January 1, 2024.
9. On January 25, 2024, 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 redetermined Petitioner's eligibility for FAP beginning January 2024. The Department considered Petitioner's group's unearned income from SSI benefits and a pension, the standard deduction, Petitioner's housing expenses, and the heat/utility standard.

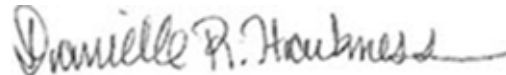
On December 9, 2023, a Notice of Case Action was issued to Petitioner stating his FAP benefits would decrease.

Petitioner did not dispute the amount of the unearned income or the allowable shelter expenses that were used in computing his FAP budget. Petitioner indicated that his family is struggling to pay for food with the reduction in FAP benefits as he has monthly expenses such as fuel, medical costs, and costs for personal items that are not taken into consideration. Here, there was no evidence provided by Petitioner that the Department failed to act in accordance with Department policy. The Department properly calculated Petitioner's budget and gave him the maximum deductions that were available to him.

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 beginning January 1, 2024.

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



Danielle R. Harkness
Administrative Law Judge

DH/nr

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

Susan Derseweh
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504

**MDHHS-Genesee-Clio-
Hearings@michigan.gov**

Interested Parties

Genesee (Clio) County DHHS
BSC2

M. Holden

N. Denson-Sogbaka

B. Cabanaw

MOAHR

Via-First Class Mail :

Petitioner

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