



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  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED], MI

Date Mailed: April 5, 2024  
MOAHR Docket No.: 24-001837  
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 March 27, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Mona Nagi, Supervisor.

### **ISSUE**

Did the Department properly process Petitioner's reported change in circumstances for her 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 is an ongoing recipient of FAP benefits for a certified group of five, which includes herself and her four (4) children. (Exhibit A, pp. 8 – 9).
2. On January 22, 2024, Petitioner submitted her semi-annual review application to the Department, which was due on February 29, 2024. (Exhibit A, pp. 5 – 7).
3. On February 17, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner, approving her for FAP benefits in the amount of \$394 per month, effective March 1, 2024. (Exhibit A, pp. 8 – 10).

4. In February 2024, after the NOCA was issued, Petitioner submitted proof of a child care expense to the Department. (Exhibit A, p. 16).
5. On February 22, 2024, the Department received Petitioner's request for hearing in which Petitioner disputed the amount of her FAP benefits and reported that she paid out of pocket for child care among other expenses. (Exhibit A, pp. 3 – 4).

### **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 requested a hearing to dispute that her child care expense was not considered by the Department when determining her FAP benefits at the time of her semi-annual review.

The Department must periodically redetermine an individual's eligibility for active programs, including FAP. BAM 210 (January 2024), p. 1. In Petitioner's case, that is accomplished through a semi-annual review application (review application). At the hearing, Petitioner clarified that she disputed the Department's determination of her monthly FAP benefit during its review because it failed to deduct her dependent care expenses when calculating her FAP benefit amount.

The Department testified that Petitioner did not disclose a child care expense on her review application. Specifically, Petitioner reported the following household expenses only on her review application: rent, heat, electric, water and sewer, and phone. (Exhibit A, p. 6). After the Department processed Petitioner's review application and notified her on February 17, 2024 that her FAP amount would be \$394 effective March 2024, Petitioner submitted proof of her child care expenses to the Department on February 22, 2024, which reported that Petitioner pays \$450 per week to a babysitter for the care of her children. (Exhibit A, p. 16).

Because Petitioner did not report her child care expenses to the Department in the review application, the Department properly did not include such expenses in the FAP budget. This expense, which Petitioner verified on February 22, 2024, is a reported change that the Department would need to process in accordance with policy to

potentially affect future benefits. See BAM 220 (November 2023), p. 10. There was no evidence presented to show that this change had been processed.

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 as to Petitioner's reported change in child care expenses in February 2024.

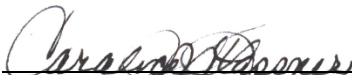
### **DECISION AND ORDER**

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. Process Petitioner's February 2024 reported change in child care expenses;
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 for April 2024 ongoing; and
3. Notify Petitioner of its decision in writing.

CML/ml

  
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**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**  
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**Interested Parties**  
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M Holden  
B Cabanaw  
N Denson-Sogbaka

**Via First Class Mail:**

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