



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: April 3, 2024
MOAHR Docket No.: 24-001939
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on March 26, 2024, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Matthew Pomeroy and Patricia Marx.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner’s eligibility for the Food Assistance Program (FAP)?

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 Food Assistance Program (FAP) benefits as a household of one on January █████ 2024, when the Department received his completed Redetermination (DHS-1010) form. Exhibit A, pp 8-12.
2. Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$████ and State Supplemental Security Income (SSP) in the gross monthly amount of █████ Exhibit A, p 10.
3. Petitioner reported on his January █████ 2024, Redetermination form that he is responsible for monthly rent of \$████ but that he is not responsible for heat or air conditioning. Exhibit A, p 12.
4. On December █████ 2023, the Department received verification that Petitioner’s monthly rent is \$████ which includes heat, electricity, water, and trash. Exhibit A, pp 15-17.

5. On February █ 2024, the Department notified Petitioner that he was eligible for a \$█ monthly allotment of Food Assistance Program (FAP) benefits effective March 1, 2024. Exhibit A, p 22.
6. On February 16, 2024, the Department received Petitioner's request for a hearing protesting the level of Food Assistance Program (FAP) benefits that he is receiving. Exhibit A, pp 3-7.

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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

The heat and utility standard covers all heat and utility costs including cooling, except actual utility expenses. FAP groups that qualify for the heat and utility standard do not receive any other individual utility standards. A FAP group which has a heating expense or contributes to the heating expense separate from rent, mortgage or condominium/maintenance payments must use the heat and utility standard. Department of Human Services Bridges Eligibility Manual (BEM) 554 (February 1, 2024), pp 17-22.

Petitioner is an ongoing recipient of FAP benefits as a household of one on January █ 2024, when the Department initiated a routine review of his eligibility for ongoing benefits with the receipt of his completed Redetermination form. Petitioner receives a gross monthly income of \$█ which includes his social security benefits and state supplement that is paid quarterly. Petitioner's adjusted gross income of \$█ was determined by reducing his total income by the \$198 standard deduction.

Petitioner is responsible for monthly rent of \$█ which includes heat and utilities and trash. Since Petitioner's adjusted gross income is more than double his verified shelter expenses, he is not entitled to a monthly shelter deduction. If Petitioner was responsible for heat or air conditioning expenses, then he would be entitled to the standard heat and utility shelter deduction.

Petitioner does not receive a standard heat and utility shelter deduction and his allowable shelter expenses are less than half of his adjusted gross income. Therefore, Petitioner is not entitled to any shelter deduction and his net monthly income is the same as his adjusted gross income. A household of one with a net monthly income of \$█ is entitled

to a \$■ monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2023).

Petitioner questioned why he received the heat and utility credit in the past.

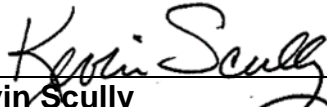
Recipients of the home heating credit receive the deduction for utilities. Further, during the pandemic, all FAP recipients received the maximum allotment of FAP benefits, but based on Petitioner's current circumstances, he is not entitled to any further deductions or credits.

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 Food Assistance Program (FAP) as of March 1, 2024.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Patty Marx
Manistee County DHHS
**MDHHS-Manistee-
Hearings@michigan.gov**

HoldenM

DensonSogbakaN

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Via-First Class Mail :

Petitioner

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