



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
DIRECTOR

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

Date Mailed: April 17, 2024
MOAHR Docket No.: 24-002855
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 7, 2024, Petitioner, [REDACTED], requested a hearing to dispute his Food Assistance Program (FAP) benefit amount. As a result, a hearing was scheduled to be held on April 16, 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 Danielle Moton, Assistance Payments Worker.

A 25-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner's FAP benefit amount of \$346.00 per month beginning March 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. On January 2, 2024, the Department mailed a Semi-Annual Contact Report to Petitioner to complete his 6-month review.
2. On January 18, 2024, Petitioner returned the Semi-Annual Contact Report to the Department.
3. In his January 18, 2024, Semi-Annual Contact Report, Petitioner reported no changes.
4. After receiving Petitioner's Semi-Annual Contact Report, the Department determined that Petitioner's son had earned income that was not reported to the Department.

5. The Department verified via the Work Number that Petitioner's son received the following wages from his employment at [REDACTED]
 - a. December 29, 2023, [REDACTED]
 - b. January 12, 2024, [REDACTED]
 - c. January 26, 2024, [REDACTED]
 - d. February 9, 2024, [REDACTED]
6. Petitioner reported that his wife received [REDACTED] on January 12, 2024, and [REDACTED] on January 26, 2024, from her employment at [REDACTED]
7. The Department determined that the maximum FAP benefit Petitioner is eligible for is \$346.00 per month from March 1, 2024, through August 31, 2024.
8. On March 7, 2024, Petitioner requested a hearing to dispute his FAP benefit amount.

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 this case, the Department determined that the maximum FAP benefit Petitioner is eligible for is \$346.00 per month from March 1, 2024, through August 31, 2024. Petitioner refuted the Department's calculation of his earned income.

Here, the department representative cited the applicable policy but was unable to explain to the undersigned and Petitioner how Petitioner's countable income was determined by the Department when making its eligibility determination. Accordingly, the Department failed to meet its burden of going forward and establishing that it properly determined Petitioner's eligibility for FAP benefits.

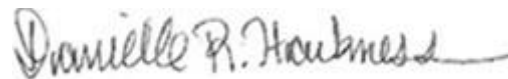
DECISION AND ORDER

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 failed to act in accordance with its policies and the applicable law when it determined Petitioner's FAP benefit amount.

IT IS ORDERED that 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. Redetermine Petitioner's eligibility for FAP benefits beginning March 1, 2024.



Danielle R. Harkness
Administrative Law Judge

DH/pt

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
MOAHR

Via-First Class Mail:

Petitioner

██████████
██████████
██████████ MI ██████████