



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN  
DIRECTOR

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Date Mailed: May 3, 2024  
MOAHR Docket No.: 24-002891  
Agency No.: ██████████  
Petitioner: █████ █████

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

**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 telephone hearing was held on April 25, 2024, from Lansing, Michigan. The Petitioner was represented by █████ █████ husband. The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist (ES).

During the hearing proceeding, the Department’s Hearing Summary packet was admitted as Exhibit A, pp. 1-23, and a copy of the food benefit budget was admitted as Exhibit B, pp. 1-2.

**ISSUES**

Did the Department properly determine Petitioner’s eligibility for Medical Assistance (MA)?

Did the Department properly determine Petitioner’s eligibility for 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. On January █████ 2024, a Health Care Coverage Determination Notice was issued to Petitioner, in part indicating Petitioner and her husband were no longer eligible for full coverage MA due to income. (Exhibit A, pp. 8-11)

2. Petitioner's FAP benefit was also reduced to around \$ [REDACTED] (Husband Testimony)
3. On March [REDACTED] 2024, Petitioner filed a hearing request contesting MA and FAP determinations. (Exhibit A, pp. 3-5)
4. The Department redetermined MA and FAP eligibility upon receiving verification that Petitioner's husband was no longer working, and the only income is from Petitioner's employment. (ES and Husband Testimony)
5. Petitioner and her husband were approved for MA. (ES and Husband Testimony)
6. The Department determined that Petitioner was eligible for FAP in the amount of \$ [REDACTED] monthly. (Exhibit B, pp. 1-2)
7. During the hearing proceeding, Petitioner's husband withdrew the MA portion of the hearing request. (Husband Testimony)

### **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).

#### **MA**

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

During the hearing proceeding, Petitioner's husband withdrew the MA portion of the hearing request. The Department redetermined MA upon receiving verification that Petitioner's husband was no longer working. Petitioner and her husband were approved for MA. (ES and Husband Testimony). Accordingly, the MA portion of the hearing request is dismissed.

## FAP

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.

The Department considers the gross wage amount as earned income. BEM 501, January 1, 2024, pp. 6-7.

For FAP, a shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. BEM 554, (January 1, 2024), p. 13. Allowable shelter expenses include property taxes, state and local assessments and insurance on the structure. BEM 554, January 1, 2024, p. 15. The heat/utility (h/u) standard covers all heat and utility costs including cooling, except actual utility expenses, for example, installation fees etc. FAP groups that qualify for the h/u standard do not receive any other individual utility standards. FAP groups whose heat is included in their rent may still qualify for the h/u standard. Some additional ways include but are not limited to, receipt of the Home Heating Credit (HHC) or a Low Income Home Energy Assistance Payment (LIHEAP). The amount of either payment must be greater than \$20 in the month of application or in the immediately preceding 12 months prior to the application month. BEM 554, p. 16. FAP groups who pay for cooling (including room air conditioners) are eligible for the h/u standard if, they have the responsibility to pay for non-heat electric. BEM 554 p. 18. FAP groups not eligible for the h/u standard who have other utility expenses or contribute to the cost of other utility expenses are eligible for the individual utility standards. Use the individual standard for each utility the FAP group has responsibility to pay. BEM 554 p. 22.

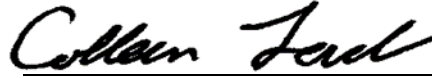
In this case, the FAP budget was reviewed with the parties during the hearing proceeding. The Department utilized the income verifications for Petitioner's wages and found her gross income was \$██████████. A shelter expense of \$██████████ was considered and the full h/u standard was included. (ES Testimony). Petitioner's husband did not dispute these amounts. Overall, the evidence supports the Department's determination that Petitioner is currently eligible for FAP benefits in the amount of \$██████████ per month. (Exhibit B, pp. 1-2).

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.

**DECISION AND ORDER**

The MA portion of Petitioner's hearing request is **DISMISSED** based on the withdrawal of the hearing request on the record. Further, the Department's decision regarding FAP is **AFFIRMED**.

CL/dm



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**Colleen Lack**  
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  
**MDHHS-Wayne-17-  
hearings@michigan.gov**

**SchaeferM**

**EQADHearings**

**BSC4HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**

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**Authorized Hearing Rep.**

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