



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]
MI [REDACTED]

Date Mailed: April 26, 2024
MOAHR Docket No.: 24-003000
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 18, 2024. Petitioner was present at the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Princess Ogundipe, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case?

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 FAP benefits.
2. Petitioner is [REDACTED] years old. (Exhibit A, p. 20).
3. Petitioner receives gross unearned income in the amount of [REDACTED] a month in Retirement, Survivors, and Disability Insurance (RSDI) and [REDACTED] a month from a life insurance annuity. Petitioner's total gross monthly income is [REDACTED] (Exhibit A, pp. 34, 36).
4. Petitioner's Part B Medicare premium in the amount of \$174.70 is deducted from his monthly RSDI income.

5. On February 27, 2024, the Department received Petitioner's redetermination application for FAP benefits.
6. On March 1, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) notifying him that his FAP benefits would be terminated effective April 1, 2024 due to excess net income. (Exhibit A, pp. 29-33).
7. On March 18, 2024, the Department received Petitioner's request for hearing disputing the closure of his FAP benefits. (Exhibit A, p. 5).

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.

In this case, the Department determined that Petitioner was ineligible for FAP benefits because his household exceeded the net income limit for the program. Petitioner requested a hearing on March 18, 2024, following the Department's determination. (Exhibit A, p. 5).

With his redetermination, Petitioner submitted multiple reoccurring out of pocket medical expenses that should have been included in his FAP budget, including his monthly Part B premium that is paid out from his RSDI benefit. (Exhibit A, p. 34). In preparation for the instant hearing, the Department acknowledged that an error was found in the case file concerning Petitioner's budget and reported that his case and FAP budget would be reprocessed to include his out-of-pocket medical expenses. (Exhibit A, pp. 1, 20, 35, 38-39). Petitioner, based on his age, is a senior/disabled/disabled veteran (SDV) member of his household. BEM 550 (February 2024), pp. 1-2. SDV members are entitled to a medical expense deduction for incurred medical expenses in excess of \$35. BEM 554 (February 2024), p. 1. At the hearing, the Department testified that prior to the hearing, it reprocessed Petitioner's FAP redetermination and properly included Petitioner's out of pocket medical expenses in the calculation of his net income budget. At the hearing, the Department testified that Petitioner's FAP benefits are currently reinstated at a monthly benefit amount of \$23.00. Petitioner testified that he had no dispute regarding the FAP benefit amount and noted that the benefit amount was identical to the benefit amount he had previously received. Further, the Department testified that there was no interruption

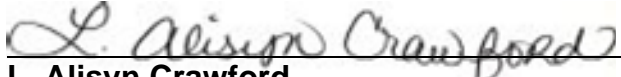
in Petitioner's benefit amount and therefore, supplemental payments were not necessary.

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 improperly closed Petitioner's FAP case but acted in accordance with Department policy when it re-assessed Petitioner's eligibility for FAP benefits to include out of pocket medical expenses and reinstated Petitioner's FAP case with no interruption in benefits.

DECISION AND ORDER

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

LC/ml


L. Alisyn Crawford
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

Jared Ritch

Oakland County Pontiac-Woodward Dist.

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Interested Parties

BSC4

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]