



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 10, 2024
MOAHR Docket No.: 24-003792
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 May 8, 2024, from Detroit, Michigan. Petitioner was represented by ██████████ ██████████. The Department was represented by Avery Smith.

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 is an ongoing recipient of Food Assistance Program (FAP) as a household of one.
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 \$██████.
3. Department records indicate that Petitioner was interviewed on March ████████ 2024, and Petitioner reported being responsible for rent in the monthly amount of \$██████ and that she is not responsible for pay for heat and utilities separately from her rent. Exhibit A, pp 12-18.
4. On March 12, 2024, the Department notified Petitioner that she is eligible for a \$██████ monthly allotment of Food Assistance Program (FAP) benefits as a household of one. Exhibit A, p 6.

5. On March 27, 2024, the Department received Petitioner's request for a hearing protesting the level of Food Assistance Program (FAP) benefits that she is receiving. Exhibit A, pp 3-5.

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) 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.

Petitioner is an ongoing recipient of FAP benefits as a household of one. Petitioner receives a gross monthly income of \$[REDACTED] including her SSI payments and her SSP benefits, which are paid quarterly. Petitioner's adjusted gross income of \$[REDACTED] was determined by reducing her gross income by the \$198 standard deduction.

Petitioner did not report an obligation to pay for electric, telephone, water, trash removal, telephone costs, or child support during her interview.

The Department will allow a shelter expense when the FAP group has a shelter expense or contributes to the shelter expense. When shelter expenses are shared, groups are only allowed the amount they contribute. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (February 1, 2024), p 13.

Petitioner reported to the Department that she is responsible for housing expenses in the monthly amount of \$[REDACTED] and that she is not responsible for heat and utility expenses separately from her rent. Petitioner is entitled to a \$[REDACTED] deduction for shelter expenses, which was determined by reducing her rent by 50% of her adjusted gross income as directed by BEM 556.

Petitioner's net income of \$[REDACTED] was determined by reducing her gross monthly income by the shelter deduction. A household of one with a net income of \$[REDACTED] is entitled to a \$[REDACTED] monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2023), p 8.

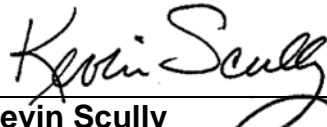
Petitioner's representative testified that the obligation to pay rent has increased since the request for a hearing was filed. As Petitioner's circumstances change, her eligibility for ongoing FAP benefits may change as well as long as those changes are reported in a timely manner.

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) benefits on March [REDACTED] 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
Yaita Turner
Oakland County Southfield District III
**MDHHS-Oakland-6303-
Hearings@michigan.gov**

HoldenM

DensonSogbakaN

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Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]