



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

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Date Mailed: June 13, 2024  
MOAHR Docket No.: 24-005395  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

**HEARING DECISION**

On April 24, 2024, Petitioner, ██████████ requested a hearing to dispute his Food Assistance Program (FAP) benefit amount. As a result, a hearing was scheduled to be held on June 12, 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. Respondent, Department of Health and Human Services (Department) had Danielle O'Shesky, Hearings Coordinator, appear as its representative.

A 23-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 \$26.00 from February 16, 2024, through February 29, 2024, and \$55.00 per month from March 1, 2024, through January 31, 2026?

**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 ██████████, 2024, Petitioner applied for FAP benefits. Exhibit A, pp. 6-16.
2. Petitioner has a household size of one. *Id.* p. 8.
3. Petitioner receives ██████████ in Social Security Administration benefits. *Id.* p. 17. Petitioner receives no other earned or unearned income.
4. On his ██████████ 2024, application, Petitioner reported that he is homeless. Therefore, Petitioner has no housing expenses. *Id.* p. 18.

5. The Department determined that the maximum FAP benefit Petitioner is eligible for is \$26.00 from February 16, 2024, through February 29, 2024, and \$55.00 per month from March 1, 2024, through January 31, 2026. *Id.* pp. 19-23.
6. On April 24, 2024, Petitioner requested a hearing to dispute his FAP benefit amount. *Id.* 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 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

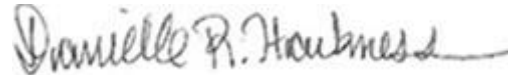
The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income, and then looking that information up in its applicable Food Issuance Table. BEM 212 (January 1, 2022), BEM 213 (January 1, 2023), BEM 550 (April 1, 2023), BEM 554 (April 1, 2023), BEM 556 (January 1, 2023), RFT 255 (October 1, 2022), and RFT 260 (October 1, 2022). Here, there is no evidence that the Department did not properly determine Petitioner's FAP benefit amount.

Based on Petitioner's household size of one and Petitioner's unearned income of \$██████, the Department properly determined that the maximum FAP benefit Petitioner is eligible for is \$26.00 from February 16, 2024, through February 29, 2024, and \$55.00 per month from March 1, 2024, through January 31, 2026. Exhibit A, pp. 17-18. The Department followed the applicable policies and used the maximum deductions it was permitted to use to calculate Petitioner's net income and FAP benefit amount. Thus, the Department properly determined Petitioner's FAP benefit amount when it determined Petitioner was eligible for a FAP benefit of \$26.00 from February 16, 2024, through February 29, 2024, and \$55.00 per month from March 1, 2024, through January 31, 2026.

**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 acted in accordance with its policies and the applicable law when it determined Petitioner's FAP benefit amount.

IT IS ORDERED, the Department's decision is **AFFIRMED**.



DH/pt

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**Danielle R. Harkness**  
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**

Amber Gibson  
Ingham County DHHS  
5303 South Cedar  
Lansing, MI 48911

**MDHHS-Ingham-Hearings@michigan.gov**

**Interested Parties**

BSC2

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

**Via-First Class Mail:**

**Petitioner**

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