



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: July 24, 2024
MOAHR Docket No.: 24-006961
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference line on July 17, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Marcella Towns, specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of April 2024, Petitioner was an ongoing recipient of FAP benefits with a benefit period certified through June 2024.
2. On April 7, 2024, Petitioner submitted to MDHHS a Semi-Annual Contact Report (SACR) reporting a household with her child, no persons over 60 years of age, no disabled individuals, and no Family Independence Program (FIP) recipients.
3. As of April 2024, Petitioner received \$ [REDACTED] in gross monthly alimony.
4. As of April 2024, Petitioner received \$ [REDACTED] in gross monthly child support.

5. As of April 2024, Petitioner received \$ [REDACTED] in gross monthly wages.
6. Beginning June 1, 2024, MDHHS terminated Petitioner's FAP eligibility.
7. On June 6, 2024, Petitioner verbally requested a hearing to dispute the termination of FAP benefits.
8. On June 24, 2024, MDHHS sent Petitioner notice that FAP eligibility ended June 2024 due to excess gross income.

CONCLUSIONS OF LAW

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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner verbally requested a hearing to dispute a termination of FAP benefits.¹ Exhibit A, pp. 3-4. A Notice of Case Action dated June 24, 2024, stated that MDHHS ended Petitioner's FAP eligibility beginning June 2024 due to excess gross income. Exhibit A, pp. 9-12.

To be eligible for FAP benefits, a non-categorically eligible, non-SDV FAP group must have income below the gross and net income limits. BEM 550 (January 2017) p. 1. An SDV group is one with a senior (a person over the age of 60 years), disabled, or disabled veteran. *Id.*

A traditionally categorically eligible FAP group is one whose members are all Family Independence Program (FIP) and/or State Disability Assistance (SDA) and/or Supplemental Security Income recipients (SSI). BEM 213 (January 2023) p. 1. Non-traditionally categorically eligible groups are categorically eligible based on Domestic Violence Prevention Services (DVPS), but an income and asset test are required. *Id.*, p. 2. Categorical FAP groups with three or more members that exceed the gross and/or 100 percent net income limit, but whose gross income is at or below 200% of the Federal Poverty Level (FPL) and who meet the asset limit and all other FAP eligibility requirements may be eligible for benefits as low as \$1 as determined by the Food Assistance Issuance Tables in RFT 260. *Id.*, p. 4.

Petitioner submitted to MDHHS a SACR to continue receiving FAP benefits on April 3, 2024. Exhibit A, pp. 6-7. On the SACR, Petitioner reported a FAP benefit group of two persons. There was no evidence that any of Petitioner's FAP benefit members were recipients of FIP, SDA, or SSI. There was also no evidence that any members of

¹ Clients may verbally request a hearing to dispute FAP eligibility. BAM 600 (February 2024) p. 3.

Petitioner's benefit group were senior, disabled, or disabled veterans. As a non-SDV and non-traditional categorically eligible FAP group, the benefit group is subject to gross income testing.

It was not disputed that Petitioner received \$ [REDACTED] in gross monthly alimony, \$ [REDACTED] in gross monthly child support, and \$ [REDACTED] in gross monthly wages.² In total, Petitioner received \$ [REDACTED] in gross monthly income.


The monthly gross income limit for a two-person non-traditional categorically eligible FAP group is \$3,288.³ RFT 250 (October 2023) p. 1. Petitioner's benefit group's countable gross income of \$ [REDACTED] exceeded the gross income limit.

Petitioner testified she uses her income for her child's college fund and also for household furniture to help her child with studying. Petitioner additionally testified she uses income to pay loans. Petitioner's testimony was credible but has no impact on a gross income determination. Given the evidence, MDHHS properly terminated Petitioner's FAP eligibility beginning June 2024 due to excess gross income.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP eligibility beginning June 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
Administrative Law Judge

² Petitioner testified she has received alimony since 2022. If accurate, Petitioner may have received FAP benefits which she was not entitled to receive.

³ The Notice of Case Action dated June 24, 2024, stated that Petitioner exceeded the gross income limit of \$ [REDACTED] Exhibit A, p. 10. A gross income limit of \$ [REDACTED] is 130% of the FPL and is applicable when a benefit group is not categorically eligible. Presumably, MDHHS determined Petitioner's FAP eligibility based on 200% of the FPL, and in compliance with policy, determined that the group was not categorically eligible because the group's income exceeded 200% of the FPL.

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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
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Interested Parties
BSC4
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]