



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: September 22, 2022  
MOAHR Docket No.: 22-003465  
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 September 14, 2022, from Lansing, Michigan. Petitioner represented himself and his wife ██████████ testified on his behalf. The Department was represented by Melissa Stanley.

**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. On June 30, 2022, the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a household of five people including his grandchildren that he is the foster parent of. Exhibit A, pp 7-15.
2. On July 11, 2022, the Department notified Petitioner that he was eligible for Food Assistance Program (FAP) benefits as a household of five people with a \$594 monthly allotment effective July 1, 2022. Exhibit A, pp 16-24.
3. Petitioner's ██████████ grandchildren receive adoption subsidy payments in the bi-weekly amounts of ██████████ each. Exhibit A, p 25.
4. Petitioner is responsible for a ██████████ monthly house payment. Exhibit A, p 13.
5. On August 16, 2022, the Department received Petitioner's request for a hearing protesting the size of his monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, pp 3-4.

## **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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned income. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (April 1, 2022), pp 1-17.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

An adoption subsidy is a payment to the adopting parent(s) of an adopted child who would remain in foster care without the subsidy incentive. A support subsidy is a payment for ongoing care and support of the child, and it is included as income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 503 (April 1, 2022), pp 2-3.

On June 30, 2022, the Department received Petitioner's application for FAP benefits where he included his grandchildren in the benefit household. It is not mandatory to include foster children in the grandchildren, but when they are included, any adoption subsidy payments made to the children is countable unearned income to the household.

The children receive adoption subsidy payments in the bi-weekly amount of [REDACTED]. The Department determined the household gross monthly prospective income by multiplying this amount by the 2.15 conversion factor as directed by BEM 503.

Petitioner argued that he did not receive the adoption subsidy payment, but it was received by a payee for the children.


However, the payments are income to the children and not to the foster parents and it remains countable income as directed by Department policy.

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 as of July 1, 2022.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/mp

  
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**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**  
MDHHS-Saginaw-Hearings  
D. Sweeney  
M. Holden  
MOAHR  
BSC2

**Via-First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]