



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: March 16, 2022
MOAHR Docket No.: 22-000240
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 March 10, 2022. Petitioner appeared and was unrepresented.¹ The Michigan Department of Health and Human Services (MDHHS) was represented by Irma Aranda-Cruz, manager, and Dena Hook, specialist

ISSUE

The issue is whether MDHHS properly issued to Petitioner Food Assistance Program (FAP) emergency allotments since August 2021.

FINDINGS OF FACT

- (1) In August and September 2021, Petitioner was a member of a one-person FAP group eligible to receive \$19 in monthly FAP benefits.
- (2) In August 2021 and September 2021, MDHHS issued emergency allotment supplements of \$215 to Petitioner resulting in monthly FAP issuances totaling \$234.
- (3) Beginning October 2021, Petitioner was a member of a one-person FAP group eligible to receive \$20 in monthly FAP benefits.
- (4) Beginning October 2021, MDHHS issued emergency allotment supplements of \$230 to Petitioner resulting in monthly FAP issuances totaling \$250.

¹ Near the end of the hearing, Petitioner voluntarily ended her hearing participation early.

- (5) On January 21, 2022, Petitioner requested a hearing to dispute not receiving additional \$95 monthly supplements since August 2021.

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 requested a hearing to dispute “much needed” benefits. Exhibit A, p. 3. Petitioner’s testimony explained that she disputed FAP eligibility; specifically, Petitioner disputed not receiving \$95 FAP supplements since August 2021.

Petitioner testified that she read an article at Michigan.gov stating that FAP recipients should receive \$95 in monthly FAP supplements. Petitioner did not provide a specific UURL for the article; however, an internet search revealed that she may have read a press release titled, “Additional emergency food assistance benefits related to pandemic to be issued beginning this weekend”.² The release was dated August 6, 2021 and stated:

All households eligible for [FAP] receive an increase of at least \$95 monthly, even if they are already receiving the maximum payment [for their group size] or are close to that amount. Households that received over \$95 to bring them to the maximum payment for their group size will continue to receive that larger amount.³

MDHHS responded that Petitioner has and continues to receive the maximum FAP benefit for her group size. MDHHS further clarified that Petitioner has received more than \$95 in FAP supplements to bring her to the maximum FAP issuance for a one-person group.

MDHHS’s response was verified by documentation of Petitioner’s FAP history. Exhibit A, pp. 8-9. The documentation listed the amount of ongoing benefits Petitioner is eligible to receive and emergency supplements:

² <https://www.michigan.gov/coronavirus/0,9753,7-406-98158-565459--,00.html>

³ The press release was an accurate summary of Economic Stability Administration Memo 2021-22 dated May 10, 2021, which authorizes the supplements.

<u>Benefit Month</u>	<u>Ongoing</u>	<u>Supplement</u>
August 2021	\$19	\$215
September 2021	\$19	\$215
October 2021	\$20	\$230
November 2021	\$20	\$230
December 2021	\$20	\$230
January 2022	\$20	\$230

The maximum FAP issuance for a one-person group in August and September 2021 was \$234. RFT 260 (October 2020) p. 1. The maximum FAP issuance for a one-person group beginning October 2021 is \$250. RFT 260 (October 2020) p. 1. For each benefit month, Petitioner received the maximum FAP issuance available. For each benefit month, Petitioner received a supplement of at least \$95 to bring her to the maximum FAP issuance amount.

After hearing, MDHHS's evidence, Petitioner remained insistent that she was entitled to receive additional FAP benefits. Petitioner's insistence seemed to be based on a mistaken belief that she was eligible to receive the maximum FAP issuance for her group size without any supplement. Petitioner testified that her income falls below the Federal Poverty Level (FPL); thus, Petitioner contended, she must be eligible to receive the maximum FAP issuance before any supplement is issued. Having an income below the FPL does not guarantee maximum FAP eligibility.⁴ An exploration of Petitioner's FAP eligibility could not be undertaken as Petitioner prematurely left the hearing.⁵

Given the evidence, MDHHS properly issued maximum FAP issuances to Petitioner. Petitioner is entitled to no further supplements.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly issued FAP benefits to Petitioner since August 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/mp



Christian Gardocki

Administrative Law Judge

⁴ BEM 556 explains how to calculate a client's net income for FAP eligibility and RFT 260 lists the proper issuance amount for the calculated income.

⁵ After Petitioner left the hearing, MDHHS indicated that Petitioner receives ongoing income from the Social Security Administration and from employment as a substitute teacher. Such income is consistent with being eligible to receive much less than the maximum FAP issuance amount.

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

Email Recipients:

MDHHS-VanBuren-Hearings
D. Sweeney
M. Holden
MOAHR
BSC3

First-Class Mail Recipient:

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