



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: October 12, 2022
MOAHR Docket No.: 22-004123
Agency No.: ██████████
Petitioner: ██████████

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 October 10, 2022. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Kelly Reynolds, lead worker

ISSUE

The issue is whether MDHHS properly issued Food Assistance Program (FAP) benefits to Petitioner.

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 ██████████ 2022, Petitioner applied for FAP benefits and reported a group size of three persons.
2. For June 2022, MDHHS issued \$658 in FAP benefits to Petitioner.
3. For July 2022, MDHHS issued \$658 in FAP benefits to Petitioner.
4. For August 2022, MDHHS issued \$658 in FAP benefits to Petitioner.
5. For September 2022, MDHHS issued \$658 in FAP benefits to Petitioner.
6. On September 13, 2022, Petitioner requested a hearing to dispute the amount of FAP benefits received by MDHHS beginning June 2022.

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 FAP eligibility.¹ Exhibit A, pp. 3-5. Petitioner's testimony contended that she did not receive the maximum FAP benefit issuance beginning June 2022, based on her group of three persons. Exhibit A, pp. 3-5.

Beginning March 2020, MDHHS has issued the maximum FAP issuance (based on group size) to eligible FAP benefit groups.² MDHHS Memorandum, ESA 2020-15 dated March 26, 2020. As of June 2022, active FAP groups who are not currently receiving the maximum benefit amount for their group size will receive a supplement to bring their benefit amount up to the maximum amount allowed for their group size. MDHHS Memorandum, ESA 2022-25 dated June 6, 2022. If the supplement amount does not equal or exceed \$95, the group will receive additional benefits up to \$95, even if this causes them to exceed the maximum benefit amount for the group size. *Id.* The supplement will be issued separately from the group's ongoing benefit issuance. *Id.*

MDHHS presented documentation of Petitioner's past FAP issuances. Exhibit A, p. 13. The document verified the following monthly issuances to Petitioner:

June 2022	\$406 and \$252 (issued in July 2022)
July 2022	\$488 and \$170
August 2022	\$488 and \$170
September 2022	\$488

As of June 2022, the maximum FAP benefit for a group size of three is \$658. From June through August 2022, Petitioner received issuances totaling the maximum FAP benefit issuance of \$658 for Petitioner's three-person group. The document only verified Petitioner's first issuance of \$488 from September 2022; however, Petitioner did not dispute receiving a \$170 issuance later in September 2022.³

The evidence established that Petitioner received the maximum FAP issuance amount for her group size in all disputed benefit months. Thus, Petitioner is entitled to no administrative hearing remedy.

¹ Clients may verbally request hearings to dispute FAP eligibility. BAM 600 (March 2021) p. 2.

² MDHHS has extended the policy through at least September 2022 in subsequently issued memos.

³ Presumably, the documentation submitted by MDHHS was printed before Petitioner's second issuance for September 2022.

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 from June through September 2022. The actions taken by MDHHS are **AFFIRMED**.

CG/mp



Christian Gardocki

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
MDHHS-Macomb-12-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

Via-First Class Mail :

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