



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: December 9, 2022
MOAHR Docket No.: 22-004951
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 telephone hearing was held on November 29, 2022. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Christina Warner, Hearing Facilitator.

ISSUE

Did the Department properly determine the Petitioner's eligibility for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was a recipient of FAP benefits. Department Exhibit 1.
2. On October 25, 2022, the Department processed a State Emergency Relief (SER) application for the Petitioner submitted on [REDACTED] 2022. Department Exhibit 2.
3. The Department determined that the Petitioner had been previously receiving a shelter expense for a mortgage, but the expense had not been verified and since the Petitioner did not want to verify the expense, it was removed from her FAP budget as a shelter expense resulting in a recalculation of FAP eligibility. Department Exhibit 3.
4. On October 25, 2022, the Department sent the Petitioner a Notice of Case Action, DHS 1605, based on a review of her application and case that her FAP benefits

were decreasing to \$23 per month effective December 1, 2022, through August 31, 2024. Department Exhibit 4.

5. On October 27, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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) [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. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, the Petitioner was a recipient of FAP benefits. Department Exhibit 1. On October 25, 2022, the Department processed a State Emergency Relief (SER) application for the Petitioner submitted on [REDACTED] 2022. Department Exhibit 2. The Department determined that the Petitioner had been previously receiving a shelter expense for a mortgage, but the expense had not been verified and since the Petitioner did not want to verify the expense, it was removed from her FAP budget as a shelter expense resulting in a recalculation of FAP eligibility. Department Exhibit 3. On October 25, 2022, the Department sent the Petitioner a Notice of Case Action, DHS 1605, based on a review of her application and case that her FAP benefits were decreasing to \$23 per month effective December 1, 2022, through August 31, 2024. Department Exhibit 4. On October 27, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BEM 211 and 212.

During the hearing, the Petitioner stated that she needed some critical home repairs on her house. Her sister was able to get a loan for her to do the required repairs. The Petitioner makes the required payment every month on the loan. The Department is required to verify the loan and payments based on Department policy and procedure if the Petitioner wants the amount of the loan to be counted for her FAP eligibility. She said that it would be difficult for her to get the verifications because the loan is in her sister's name. Without the loan verification, the Department cannot count the loan amount for FAP eligibility.

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 Department policy when it determined the Petitioner's FAP eligibility based on the verifications provided.

Accordingly, the Department's decision is **AFFIRMED**.

CF/cc



Carmen G. Fahie
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 :

Interested Parties

MDHHS-Jackson-Hearings
BSC4-HearingDecisions
M. Holden
D. Sweeney
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]