



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: October 6, 2023
MOAHR Docket No.: 23-005149
Agency No.: ██████████
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 September 26, 2023, from Lansing, Michigan. █████ █████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Raven Douthard, Hearing Facilitator.

During the hearing proceeding, the Department’s Hearing Summary packet was admitted as Exhibit A, pp. 1-19. The Department’s additional documentation was admitted as Exhibit B, pp. 1-6.

ISSUE

Did the Department properly deny Petitioner’s application for Food Assistance Program (FAP) and Child Development and Care (CDC) 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. On July █████ 2023, Petitioner applied for FAP and CDC benefits. Petitioner reported her total income was \$██████████ (Exhibit A, pp. 6-13)
2. On August █████ 2023, a Notice of Case Action was issued denying FAP based on income in excess of program limits. (Exhibit A, pp. 15-18)

3. On August █ 2023, CDC was also denied based on income in excess of program limits. (Exhibit A, p. 14)
4. No written notice of case action was issued regarding the CDC denial. (Hearing Facilitator Testimony)
5. On August 21, 2023, Petitioner filed a hearing request contesting the Department's determinations. (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) [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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

A non-categorically eligible Senior/Disabled/Veteran (SDV) FAP group must have income below the net income limits. A non-categorically eligible, non-SDV FAP group must have income below the gross and net income limits. BEM 550, April 1, 2023, p. 1. For a FAP group size of three, the monthly gross income limit is \$2,495.00 and the monthly net income limit is \$1,920.00. RFT 250, October 1, 2022, p. 1.

To be initially eligible for the CDC program, a family's gross monthly income must not exceed the Maximum Monthly Gross Income limit by family size associated with the column marked "entry" in the CDC Income Eligibility Scale. See RFT 270. BEM 525, November 1, 2021, p. 1. For a CDC group size of three, the maximum monthly gross income limit at entry is \$3,838.00. RFT 270, April 1, 2023, p. 3.

In this case, The Department verified Petitioner's earned income with a report from The Work Number. Petitioner's gross monthly income was \$█ The Department

determined that Petitioner was not eligible for FAP or CDC based on income in excess of the FAP monthly gross income limit and the CDC maximum monthly gross income limit at entry. (Exhibit A, pp. 14 and 16; Exhibit B, pp. 1-6).

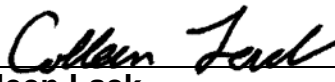
Petitioner did not dispute the calculation of her income. Petitioner indicated that she was seeking information regarding the policy addressing the income limits. (Petitioner Testimony).

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 denied Petitioner's application for FAP and CDC.

DECISION AND ORDER

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

CL/dm



Colleen Lack
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
Jeanenne Broadnax
Wayne-Taylor-DHHS
**MDHHS-Wayne-18-
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HoldenM

SweeneyD1

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BSC4HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]