



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: November 1, 2023
MOAHR Docket No.: 23-006261
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 October 31, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Barbara Schram.

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 May █████ 2023, the Department received Petitioner's application for assistance. Exhibit A, p 7.
2. On June █████ 2023, the Department requested that Petitioner provide verification of her medical expenses, cash assets, and home insurance expense by June 12, 2023. Exhibit A, pp 15-17.
3. On June █████ 2023, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits with a \$████ monthly allotment. Exhibit A, p 18.
4. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$████
5. Petitioner reported that she is responsible for property taxes on her home in the annual amount of \$████ Exhibit A, p 21.

6. Petitioner reported that she is responsible for heating expenses for her home. Exhibit A, p 12.
7. On October █ 2023, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits with a \$█ monthly allotment. Exhibit A, p 32.
8. On July 21, 2023, the Department received Petitioner's request for a hearing protesting the amount of Food Assistance Program (FAP) benefits she is receiving. Exhibit A, pp 4-6.

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.

The Department will verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, the Department will remove the old expense until the new expense is verified. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (April 1, 2023), p 15.

On May █ 2023, the Department received Petitioner's application for assistance. Petitioner reported that she receives social benefits in the gross monthly amount of \$█ and that she is responsible for medical expenses, heating expenses, property taxes, and home insurance.

On June █ 2023, the Department requested that she provide verification of her expenses. On June 13, 2023, the Department had not received verification of Petitioner's home insurance, and that shelter expense was not applied towards her eligibility for FAP benefits as directed by BEM 554.

Petitioner's adjusted gross income of \$█ was determined by reducing her gross monthly income by the \$193 standard deduction and the \$165 standard medical deduction. Petitioner is entitled to a \$█ monthly shelter deduction, which was determined by dividing her annual property tax bill by 12 months, adding the \$624 standard heat and utility deduction, and subtracting 50% of her adjusted gross income.

Petitioner's net monthly income of \$[REDACTED] was determined by reducing her adjusted gross income by her monthly shelter deduction. A household of one with a net monthly income of \$[REDACTED] is entitled to a \$[REDACTED] monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2023), p 13.

Later, the Department received verification of Petitioner's home insurance expense. Petitioner income had not changed, but effective October 1, 2023, the standard deduction change to \$198. Therefore, Petitioner's adjusted gross income decreased to \$[REDACTED]. Petitioner is entitled to a \$300 monthly shelter after her home insurance was included and the change to her adjusted gross income.

Following the revised determination of her circumstances, the Department correctly determined that Petitioner has a net monthly income of \$[REDACTED]. A household of one with a net monthly income of \$[REDACTED] is entitled to a \$[REDACTED] monthly allotment of FAP benefits. RFT 260, p 11.

Petitioner testified that it is difficult for her to provide the Department with verification of her expenses in a timely manner, but the Department is required by its policies to obtain verification necessary to accurately determine her eligibility for benefits. The Department was able to approve her for FAP benefits without her insurance expenses, and later Petitioner's benefits increased when that expense was verified. While this delay caused Petitioner to temporarily receive a lower level of FAP benefits, the Department was acting in accordance with its policies when processing Petitioner's case.

Petitioner testified that her medical condition affects her need for food assistance, but there are no provisions in Department policy for increasing her benefits based on those circumstances.

Petitioner testified that she was treated rudely by a Department employee. A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

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 the Food Assistance Program (FAP).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



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
Barbara Schram
Iosco County DHHS
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EQADhearings

BSC1HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]