



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

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 5, 2024
MOAHR Docket No.: 23-008807
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

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 January 31, 2024, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Lianne Scupholm.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Family Independence Program (FIP) and 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. Petitioner was an ongoing recipient of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits as a household of two at times relevant to this hearing. Exhibit A, p 9.
2. Through a collateral contact, the Department received verification that Petitioner is employed and that he received bi-weekly paychecks with gross earnings of \$[REDACTED] on October 20, 2023, and \$[REDACTED] on November 3, 2023. Exhibit A, pp 16-19.
3. On November [REDACTED] 2023, the Department notified Petitioner that he was not eligible for Family Independence Program (FIP) benefits or Food Assistance Program (FAP) benefits effective December 1, 2023. Exhibit A, p 20.
4. On November 27, 2023, the Department received Petitioner's request for a hearing protesting the denial of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 through 679c. The Department administers FIP pursuant to 45 CFR 233 through 261, MCL 400.10, the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3101 through R 400.3131.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned income. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (April 1, 2022), pp 1-17.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2023), pp 7-8.

Petitioner was an ongoing recipient of FIP and FAP benefits when the Department initiated a review of his eligibility for ongoing benefits. Petitioner received bi-weekly paychecks with gross earnings of \$[REDACTED] on October 20, 2023, and \$[REDACTED] on November 3, 2023. The Department converts income to a standard monthly amount and determined that Petitioner receives a prospective gross monthly income of \$[REDACTED] as directed by BEM 505. The gross monthly income limit for a household of two to receive any FAP benefits is \$1,984. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2022), p 1. The income limit for a household of two to receive FIP benefits is \$403. Department of Health and Human Services Reference Table Manual (RFT) 210 (April 1, 2017), p 1.

Petitioner argues that the income listed on his paycheck stubs is not available to him because that income goes to a bankrupt trustee.

Petitioner failed to offer evidence that his income is not available to him. Further, all gross income from employment is countable towards a household's eligibility for FAP benefits unless excluded by policy, and there are no exemptions for individuals that have filed for bankruptcy.

The Department determined that in addition to earned income from employment that Petitioner receives self-employment income. Petitioner denies that he receives any self-employment income.

However, the hearing record supports a finding that Petitioner received earned income from employment that causes his household to be ineligible for any FIP or FAP benefits without any consideration of any additional income.

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 that Petitioner is not eligible for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.

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
Kristina Etheridge
Calhoun County DHHS
MDHHS-Calhoun-
Hearings@michigan.gov

SanbornB

HoldenM

DensonSogbakaN

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]