



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 8, 2024
MOAHR Docket No.: 24-001154
Agency No.: [REDACTED]
Petitioner: [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 March 6, 2024, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Tonya Turkelson.

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 December [REDACTED] 2023, the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a household of one. Exhibit A, p 47.
2. Petitioner reported that he is responsible for \$[REDACTED] in monthly rent but that he is not responsible for utilities. Exhibit A, p 59.
3. On January 16, 2024, the Department received verification of Petitioner's earned income and that he received actual gross earned income totaling \$603 in December of 2023, and \$2,027.25 in January of 2024. Exhibit A, p 34.
4. On January 25, 2024, the Department notified Petitioner that he was eligible for a \$[REDACTED] monthly allotment of Food Assistance Program (FAP) benefits effective December [REDACTED] 2023, and a \$[REDACTED] monthly allotment of Food Assistance Program (FAP) benefits effective January 1, 2024. Exhibit A, p 20.

5. On February 5, 2024, the Department received Petitioner's verbal request for a hearing protesting the level of Food Assistance Program (FAP) benefits that he is receiving. Exhibit A, pp 3-6.
6. On February 13, 2024, the Department notified Petitioner that he was entitled to a \$█ supplement to his December Food Assistance Program (FAP) benefits. Exhibit A, pp 10-11.

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.

Petitioner applied for FAP benefits on December █ 2023, as a household of one. Petitioner provided verification that he received actual earned income in the gross monthly amount of \$█ in December of 2023. Petitioner's adjusted gross income of \$█ was determined by reducing his total gross income by the \$198 standard deduction and the 20% earned income deduction.

Petitioner is entitled to a deduction for shelter expenses, which is determined by reducing his \$█ monthly rent by 50% of his adjusted gross income as directed by Department policy in BEM 556. Petitioner's shelter deduction for December of 2023 is higher than his adjusted gross income. Net monthly income is determined by reducing the adjusted gross income by the shelter deduction, and Petitioner's net income is zero for December of 2023. A household of one with no net income is entitled to a \$291 monthly allotment of FAP benefits, but since Petitioner became eligible for FAP benefits when he applied on December █ he is entitled to prorated FAP benefits totaling \$█ for the five days he was eligible for benefits in that month (rounding off to the nearest dollar, as directed by BEM 556, pp 7-8.). This amount of FAP benefits was granted to Petitioner in a \$█ allotment and a \$█ supplement.

For ongoing benefits, 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, 2017), pp 7-8.

Petitioner received actual gross earned income totaling \$[REDACTED] in January of 2024, and this income is expected to continue. The Department determined Petitioner's prospective gross monthly earned income of \$[REDACTED] by multiplying Petitioner's average bi-weekly gross income by the 2.15 conversion factor as directed by BEM 505. Petitioner's adjusted gross monthly income of \$[REDACTED] was determined by reducing his prospective gross income by the \$198 standard deduction and the 20% earned income deduction.

In January of 2024, Petitioner's adjusted gross income was more than double his shelter expenses and Petitioner was not entitled to a shelter deduction in that month. Therefore, Petitioner's net monthly income is the same as his adjusted gross income. 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 22.

Petitioner testified that his income is both seasonal and affected by the unseasonably warm weather. As Petitioner's income changes, his eligibility for FAP benefits in the future will also change as he notifies the Department of any changes in his circumstances.

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 level of Food Assistance Program (FAP) benefits that Petitioner was eligible for in December of 2023, and January of 2024.

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
Amy Assante
Charlevoix County DHHS
**MDHHS-CHX-Emmet-
Hearings@michigan.gov**

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MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
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