



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

██████████
██████████
██████████ MI ██████████

Date Mailed: June 13, 2024
MOAHR Docket No.: 24-001982
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 May 14, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Rachel Meade. Department Exhibit 1, pp. 1-18 was received and admitted.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount?

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 September 6, 2023, a Notice of Case Action was sent to Petitioner informing her that she was approved for FIP and CDC.
2. On October 31, 2023, a Notice of Case Action was sent to Petitioner informing her that her FIP case was closing effective December 1, 2023, and her FAP was increasing to \$535 per month.
3. On November 14, 2023, a Notice of Case Action was sent to Petitioner informing her that FIP was approved, CDC was approved and that her FAP was reduced to \$433 per month.
4. On December 20, 2024, Petitioner submitted redetermination paperwork.
5. On January 25, 2024, a Path Appointment Notice was sent to Petitioner.

6. On February 6, 2024, Petitioner requested a hearing and listed SDA as the program in dispute.
7. Petitioner is active for MA-LiF.
8. Petitioner was granted good cause on April 4, 2024, and she is deferred from PATH and active for FIP.
9. In February 2024, Petitioner received \$164 in FAP benefits.
10. In March 2024, Petitioner received \$244 in FAP benefits.
11. \$581.85 in child support was budgeted for Petitioner in February 2024.
12. \$380.38 in child support was budgeted for Petitioner in March 2024.
13. Petitioner stated at the hearing that she was satisfied with the Department's action regarding her FIP and MA benefits.

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 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human

Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

FIP, SDA, RCA, CDC, FAP

Child support payments, including arrearage payments, received by a custodial party for an adult child or a child no longer living in the home, are considered the other unearned income of the payee if the money is not forwarded to the adult child or child. If the money is forwarded to the adult child or child, it is the other unearned income of the adult child or child. BEM 503

Child Support Income

Past Three Months• Use the average of child support payments received in the past three calendar months unless changes are expected. Include the current month if all payments expected for the month have been received. Do not include amounts that are unusual and not expected to continue. Note: The three-month period used can begin up to three months before the interview date or the date the information was requested. If payments for the past three months vary, discuss the payment pattern from the past with the client. Clarify whether the pattern is expected to continue, or if there are known changes. If the irregular pattern is expected to continue, then use the average of these three months. If there are known changes that will affect the amount of the payments for the future, then do not use the past three months to project. BEM 505

In this case, the only issue in dispute at the time of hearing was the amount of child support that was budgeted for Petitioner in March and April 2024 for the FAP program. Department policy dictates that a three-month review is completed to determine what the budgeted amount is for child support income. The Department properly calculated that Petitioner received an average of \$581.85 for the benefit month of March 2024 and \$380.38 for the benefit month of April 2024. (Ex. 2, pp. 3-10) Therefore, the Department's determination regarding Petitioner's FAP benefit amount was proper and correct and consistent with Department policy. Petitioner questioned at hearing how the child support income that was budgeted could be over what the monthly obligation is but there were arrearages received for the months reviewed.

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 child support income and FAP benefit amount.

DECISION AND ORDER

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

AM/cc



Aaron McClintic
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
EQADHearings
M. Schaefer
L. Karadsheh
N. Denson-Sogbaka
B. Cabanaw
M. Holden
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner

██████████
██████████
██████ MI ██████