



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON BROWN  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: June 14, 2024

MOAHR Docket No.: [REDACTED]

Agency No.: [REDACTED]

Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

### **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 June 12, 2024, via teleconference. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Krista Kulick, Assistance Payments Worker.

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount for May 2024?

### **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 FAP recipient.
2. On [REDACTED], Petitioner completed a redetermination related to his FAP benefit case (Exhibit A, p. 10). Petitioner reported that his only utility expense was his telephone.
3. On [REDACTED], the Department sent Petitioner a Notice of Case Action informing him that he was approved for FAP benefits in the amount of [REDACTED] per month effective [REDACTED] ongoing (Exhibit A, pp. 16-20).
4. On [REDACTED], Petitioner requested a hearing.

5. On [REDACTED], a prehearing conference was completed with Petitioner. Petitioner reported that he made a mistake on the redetermination and that he does pay for heat.
6. Effective [REDACTED], the Department increased Petitioner's FAP benefits to [REDACTED], with the updated heating expense.

### 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.

In this case, Petitioner completed a redetermination in [REDACTED]. Petitioner reported on the redetermination that his only utility expense was his telephone. As a result, Petitioner's FAP benefit amount decreased to [REDACTED] per month effective [REDACTED], as he did not receive the heat/utility standard deduction. Petitioner spoke with the Department on [REDACTED] and reported that he made a mistake on the redetermination and that he does pay for heat. The Department updated the expense and Petitioner's FAP benefits increased as of [REDACTED]. Petitioner disputed his FAP benefit amount for [REDACTED]. Petitioner argued that the Department should have known he made a mistake on his redetermination based on his FAP benefit amount for the previous year, which included a heating expense.

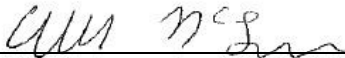
The heat/utility (h/u) standard covers all heat and utility costs including cooling. BEM 554 (February 2024), p. 16. Clients are not required to verify their heating costs unless questionable. BEM 554, p. 17. Clients are responsible for reporting any changes that could affect their eligibility of benefit amount. BAM 105 (March 2024), p. 10.

The Department is only responsible for determining eligibility based on the reported circumstances of the client. Petitioner reported in the redetermination that his only utility expense was his telephone. The Department was not required to investigate further. The responsibility is on the client to report accurate information to the Department to determine their eligibility. Therefore, the Department correctly determined Petitioner's [REDACTED] FAP benefit amount based on the information provided by Petitioner.

**DECISION AND ORDER**

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 FAP benefit eligibility for [REDACTED]. Accordingly, the Department's decision is **AFFIRMED**.

EM/th

  
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**Ellen McLemore**  
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**

Vivian Worden

**MDHHS-Macomb-12-Hearings@michigan.gov**

**Interested Parties**

M. Holden

N. Denson-Sogbaka

MOAHR

BSC4

**Via-First Class Mail :**

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED]