



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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[REDACTED] MI [REDACTED]

Date Mailed: June 20, 2024
MOAHR Docket No.: 24-005368
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 June 12, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Lori Turner Hearing Facilitator. Department Exhibit 1, pp. 1-19 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 March 26, 2024, a Notice of Case Action was sent to Petitioner informing her that her FAP benefits were being reduced to \$181 effective May 1, 2024.
2. On May 24, 2024, Petitioner requested a hearing raising issues with regard to her FAP and SER benefits.
3. Petitioner was approved for SER, but payment could not be made due to an issue with her provider's vendor code not matching.
4. Petitioner testified at hearing that she was satisfied with her MA and Medicare Cost Share benefit.

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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

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. BEM 505

PROVIDER ENROLLMENT

All SER service providers must be enrolled in Bridges before payment can be issued. Energy providers must be enrolled by central office, however, the local office should provide a DHS-355, Energy Supplier Participation Agreement, to providers requesting enrollment. Providers must register in the SIGMA Vendor Self Service (VSS) in order to receive a SER payment. Please refer providers to the VSS system, State Budget Office - SIGMA (michigan.gov), prior to enrollment. ERM 401

In this case, with regard to FAP benefits, Petitioner had received a 3-month average of \$[REDACTED] in child support payments and that increase resulted in a reduction of FAP benefits to \$181. Petitioner did not dispute at hearing the amount of child support she had received in the previous three months but stated that she did not anticipate receiving those amounts going forward. It was explained that Petitioner could ask for a review of her FAP benefits amount and if her average child support payments received were lower, then her FAP benefits would likely increase.

With regard to Petitioner's SER benefit, SER was approved, and Petitioner requested that her provider enroll and seek payment utilizing the SIGMA system. When Petitioner's provider attempted to seek payment, the address inputted to SIGMA and what was on

the payment request did not match. Also, the SIGMA vendor code was incorrect. These issues prevented the SER payment from being issued. The Department followed ERM 401 in processing Petitioner's SER approval.

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 amount and when it processed her SER approval.

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-Wayne-17-hearings
BSC4-HearingDecisions
N. Denson-Sogbaka
B. Cabanaw
M. Holden
E. Holzhausen
J. McLaughlin
MOAHR

Via-First Class Mail :

Petitioner

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