



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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Date Mailed: June 28, 2024  
MOAHR Docket No.: 24-005789  
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 June 26, 2024, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Melissa Stanley Hearing Facilitator. Department Exhibit 1, pp. 1-32 was received and admitted.

**ISSUE**

Did the Department properly deny Petitioner’s Food Assistance Program (FAP) benefit application due to excess income?

**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 ██████████ 2024, Petitioner applied for FAP benefits.
2. On April 25, 2024, a Notice of Case Action was sent to Petitioner informing him that his FAP application was denied due to excess income.
3. On May 8, 2024, Petitioner requested a hearing disputing the denial of his FAP benefits.
4. At the time of application, Petitioner was earning \$██████████ in employment income and was receiving \$██████████ in unearned income from veteran’s compensation.
5. At the time of application, Petitioner was paying \$1,278.16 per month in child support.

## **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.

### **CHILD SUPPORT EXPENSES**

The following child support expenses are allowed: • The amount of court-ordered child support and arrearages paid by the household members to non-household members in the benefit month. • Court-ordered third-party payments (landlord or utility company) on behalf of a non-household member. • Legally obligated child support paid to an individual or agency outside the household, for a child who is now a household member, provided the payments are not returned to the household. Do not allow more than the legal obligation if the client is up to date on their child support payments. However, if they are behind and making arrearage payments, allow the total amount paid even if it exceeds the court-ordered amount. Current and arrearage child support expenses must be paid to be allowed. BEM 544

In this case, at the time of application Petitioner had \$██████ in employment income and was receiving \$██████ in unearned income from veteran's compensation. Petitioner was paying \$1,278.16 per month in child support according to the consolidated inquiry printout. Petitioner had \$██████ in net income after deductions, the net income limit for FAP for a group size of one is \$1,215. Therefore, the denial due to excess income was proper and correct and consistent with Department policy.

Petitioner testified at hearing that he has been paying more than \$1,278 in child support but did not present any documents to support his testimony. The consolidated inquiry printout was the best information available when the Department made their determination and at the time of hearing Petitioner was advised that he can submit a printout from the Friend of Court or pay stubs and if they verify that his child support expense is higher, then this may impact his eligibility for FAP and he should reapply.

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 denied Petitioner's FAP application due to excess income.

**DECISION AND ORDER**

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

AM/cc



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**Aaron McClintic**

Administrative Law Judge

