



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

[REDACTED]  
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Date Mailed: August 26, 2024  
MOAHR Docket No.: 24-008430  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

### **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 August 22, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Priya Johnson, Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly determine that Petitioner was over the income limit 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 April 18, 2024, the Department received Petitioner's completed Semi-Annual Contact Report in addition to a wage verification and letter from his employer showing that he began his employment on February 20, 2024 earning \$ [REDACTED] per hour working 8.5 hour days for a term to last approximately 90 days. Petitioner has no housing expenses and is the only member of his group.
2. On May 28, 2024, the Department issued a Notice of Case Action to Petitioner informing him that effective June 1, 2024, his FAP benefits would close because he had income greater than the gross income limit.

3. On July 22, 2024, the Department received Petitioner's request for hearing disputing the closure of his FAP 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 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, the Department closed Petitioner's FAP case because his gross income exceeded the gross income limit. Pursuant to policy, a non-categorically eligible, non-Senior, Disabled, or Disabled Veteran (SDV) FAP group must have income below the gross and net income limits. BEM 550 (February 2024), p. 1. Petitioner is not categorically eligible because he is not a Family Independence Program (FIP), State Disability Assistance (SDA), or Supplemental Security Income (SSI) recipient. He is not an SDV. Therefore, he is not categorically eligible, and his gross income must fall below \$1,580.00 for his group size of one. RFT 250 (October 2023), p. 1.

In considering Petitioner's income, the Department can only consider the information available to it. Petitioner informed the Department that his income would be temporary, but he never informed the Department when his income actually ended. Therefore, the Department was required to budget the income as if it was continuing. To calculate Petitioner's gross monthly income, Petitioner receives \$ [REDACTED] per hour for 42.5 hours per week and receives paychecks on a weekly basis according to his wage verification. (Exhibit A, p. 6). Petitioner's weekly income is \$ [REDACTED] and when multiplied by 4.3 to determine his standardized gross monthly income, his total gross income is \$ [REDACTED] which is significantly greater than the gross income limit of \$1,580.00. BEM 505 (October 2022), p. 8; RFT 250 (October 2023), p.1; BEM 550 (February 2024), p. 1. Therefore, the Department properly determined that Petitioner was over the income limit and closed Petitioner's FAP benefits.

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 closed Petitioner's FAP benefits because his income was greater than the gross income limit.

**DECISION AND ORDER**

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

AM/cc



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**Amanda M. T. Marler**  
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-Oakland-6303-Hearings  
BSC4-HearingDecisions  
N. Denson-Sogbaka  
B. Cabanaw  
M. Holden  
MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]