



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED] MI [REDACTED]

Date Mailed: September 10, 2024
MOAHR Docket No.: 24-008625
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 26, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was not present at the hearing.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) 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 [REDACTED] 2024, Petitioner applied for FAP benefits for herself and her 1-year-old twin grandsons.
2. Petitioner is [REDACTED] years old, and employed at:
 - The [REDACTED] (Employer 1), contingent at [REDACTED] per hour
 - [REDACTED] (Employer 2), full-time at [REDACTED] per hour
3. On May 22, 2024, Petitioner obtained guardianship of her 1-year-old twin grandsons. (Exhibit A, p. 38).
4. On June 21, 2024, the Department received a Redetermination form for Medical Assistance (MA). (Exhibit A, pp. 10-16).

5. Although Petitioner's FAP application was initially denied due to Petitioner's failure to return employment verifications, the Department determined FAP eligibility for Petitioner's household based on pay stubs Petitioner provided with her MA redetermination:

Employer 1

Pay Date	Gross Pay Amount
May 17, 2024	[REDACTED]
May 31, 2024	[REDACTED]

Employer 2

Pay Date	Gross Pay Amount
May 10, 2024	[REDACTED]
May 24, 2024	[REDACTED]

6. On July 9, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner informing her that her FAP group was denied FAP benefits effective [REDACTED] 2024 to April 30, 2024 and the FAP case was closed on August 1, 2024 ongoing because Petitioner failed to provide National New Hire information within the specified timeframe. (Exhibit A, pp. 51-55).
7. One July 30, 2024, the Department sent a second NOCA to Petitioner informing her that her FAP case was also denied for [REDACTED] 2024 to April 30, 2024 and closed effective August 1, 2024 due to excess gross income. (Exhibit A, pp. 57-62). The NOCA noted Petitioner's gross monthly income as [REDACTED] and noted that the monthly income limit for Petitioner's FAP group was \$2,694.
8. On July 23, 2024, Petitioner submitted a verbal request for hearing disputing the Department's action regarding her FAP case. (Exhibit A, pp. 4-6, 7).

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.

Petitioner verbally requested a hearing to dispute the Department's action regarding her FAP case. At the hearing and on the July 30, 2024 NOCA, the Department concluded

that Petitioner exceeded the FAP gross income limit of \$2,694. RFT 250 (October 2023), p. 1.

To be eligible for FAP benefits, a non-categorically eligible, non-SDV FAP group must have income below the gross and net income limits. BEM 550 (February 2024) p. 1. An SDV group is one with an individual who is a senior (a person over the age of 60 years), disabled, or disabled veteran. BEM 550, p. 1. Because no one in Petitioner's FAP group is an SDV member, the group is subject to the gross income limit. Here, Petitioner's FAP group has three members: Petitioner and her two grandchildren. The gross income limit for a non-categorically eligible three-person FAP group with no SDV members is \$2,694. RFT

A FAP group is categorically eligible if (i) the FAP group's members are all Family Independence Program (FIP) and/or State Disability Assistance (SDA) and/or Supplemental Security Income (SSI) recipients or (ii) the FAP group meets the income and asset test requirements for Domestic Violence Prevention Services (DVPS). BEM 213 (March 2024), p. 1.

There was no evidence that any of Petitioner's FAP benefit members were recipients of FIP, SDA, or SSI. Therefore, Petitioner's FAP group was not categorically eligible due to receipt of cash assistance. To be DVPS categorically eligible, the group may not have gross income in excess of \$4,144. RFT 250 (October 2023) p. 1.

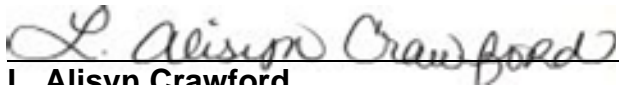
Gross income is the amount of income before any deductions such as taxes or garnishments to repay a debt or meet a legal obligation. BEM 500 (April 2022), p. 4. It was not disputed that Petitioner received over [REDACTED] in gross monthly wages from Employer 1 and Employer 2 in May 2024. Because Petitioner's income exceeded the limit for DVPS categorical FAP eligibility of \$4,144, Petitioner's group was subject to the \$2,694 non-categorical gross income limit. Petitioner's benefit group's countable gross income of [REDACTED] exceeded this gross income limit. Petitioner's income identified on the Work Number from Employer 2 and the paystubs provided for Employer 1 show that Petitioner was not DVPS categorically eligible and continued to have excess gross income for June 2024 and July 2024, as well as April 2024. The Department properly determined that Petitioner's FAP group was ineligible for FAP benefits due to excess gross income.

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 that Petitioner was ineligible for FAP benefits due to excess gross income.

DECISION AND ORDER

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

LC/ml


L. Alisyn Crawford
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

Yvonne Hill

Oakland County DHHS Madison Heights Dist.

30755 Montpelier Drive

Madison Heights, MI 48071

MDHHS-Oakland-DistrictII-Hearings@michigan.gov

Interested Parties

BSC4

M Schaefer

EQAD

MOAHR

Via First Class Mail:

Petitioner

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