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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
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Date Mailed: September 13, 2024
MOAHR Docket No.: 24-009251
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On August 15, 2024, Petitioner, ██████████ requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on September 11, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. ██████████ Petitioner's witness, also appeared at the hearing. The Department of Health and Human Services (Department) was represented by Rachel Meade, Hearings Coordinator.

ISSUE

Did the Department properly determine Petitioner's FAP benefits beginning August 1, 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. On ██████████ 2024, Petitioner submitted a redetermination.
2. Petitioner has a household size of 1.
3. Petitioner receives Retirement, Survivors, and Disability Insurance (RSDI) income of ██████████ per month.
4. During the processing of Petitioner's ██████████, 2024, redetermination, the Department found that Petitioner received a Supplemental Security Income (SSI) benefit increase and now receives ██████████ per month in SSI. Petitioner also receives a state SSI benefit of ██████████ per month.

5. Petitioner reported that she has a lot rent expense of \$ [REDACTED] per month, and because Petitioner reported that she pays for heat, Petitioner received the heat/utility standard of \$680.00.
6. The Department determined that Petitioner's total monthly unearned income was \$ [REDACTED] and used that amount in determining her FAP eligibility effective August 1, 2024.
7. On August 5, 2024, a Notice of Case Action was issued stating that Petitioner's FAP benefit amount would be reduced to \$242.00 per month from August 1, 2024, through July 31, 2026.
8. On August 15, 2024, Petitioner requested a hearing to dispute the Department's determination.

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 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 Department uses countable income to determine eligibility and benefit levels. Income remaining after applying the policy in the income related items is called countable. For FAP purposes, all earned and unearned income available to an applicant or recipient is countable. The Department uses gross income when determining countable income. Gross income is the amount of income before any deductions such as taxes or garnishments, and the amount counted may be more than the client actually receives. BEM 500.

In calculating the FAP budget, the Department considers the gross benefit amount of Social Security Administration issued Supplemental Security Income (SSI) as unearned income. BEM 503, January 1, 2023, p. 35. RSDI is a federal benefit administered by the Social Security Administration that is available to retired and disabled individuals, their dependents, and survivors of deceased workers. Bridges counts the gross benefit amount as unearned income. *Id.* p, 29.

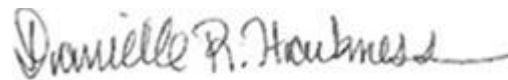
Here, Petitioner receives unearned income of \$ [REDACTED] per month in RSDI, \$ [REDACTED] per month in SSI, and \$ [REDACTED] per month in a state SSI benefit. Therefore, Petitioner's unearned income is \$ [REDACTED] (\$ [REDACTED] + \$ [REDACTED] + \$ [REDACTED] = \$ [REDACTED]).

Based on the evidence presented, Petitioner failed to establish that the Department improperly determined her eligibility for FAP benefits beginning August 1, 2024.

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 its policies and the applicable law when it determined Petitioner's FAP benefit amount beginning August 1, 2024.

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



Danielle R. Harkness
Administrative Law Judge

DH/pt

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

