



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 1, 2024
MOAHR Docket No.: 24-009782
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 September 26, 2024, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Daniel Sefton AP Worker. Department Exhibit 1, pp. 1-28 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 July [REDACTED] 2024, Petitioner FAP redetermination was processed.
2. On July [REDACTED] 2024, a Verification Checklist was sent to Petitioner requesting verification of income and assets.
3. On August [REDACTED] 2024, Notice of Case Action was sent to Petitioner informing him that he was eligible for \$[REDACTED] in FAP benefit.
4. On August [REDACTED] 2024, Petitioner requested hearing disputing the determination of FAP benefit amount.
5. Petitioner receives \$[REDACTED] in social security benefits and \$[REDACTED] in pension income.

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.

Estimating and Determining an Allowable Medical Expense

Estimate an SDV person's medical expenses for the benefit period. The expense does not have to be paid to be allowed. Allow medical expenses when verification of the portion paid, or to be paid by insurance, Medicare, Medicaid, etc. is provided. Allow only the non-reimbursable portion of a medical expense. The medical bill cannot be overdue. The medical bill is not overdue if one of the following conditions exists: • Currently incurred (for example, in the same month, ongoing, etc.). • Currently billed (client is receiving the bill for the first time for a medical expense provided earlier and the bill is not overdue). • Client made a payment arrangement before the medical bill became overdue. BEM 554

In this case, Petitioner has \$[REDACTED] in monthly unearned income. Petitioner pays \$[REDACTED] in housing expense and is responsible for utilities. After deducting the standard deduction of \$[REDACTED] medical deduction of \$[REDACTED] and excess shelter deduction of \$[REDACTED] Petitioner has \$[REDACTED] in net income. BEM 554 A household of 1 with \$[REDACTED] in net income is entitled to \$[REDACTED] in FAP benefit, that is the amount determined by the Department and it is proper and correct and consistent with Department policy. RFT 260 Petitioner testified that he has upcoming medical and dental appointments that he will incur expenses for. Petitioner was advised to submit those bills for consideration of additional medical expense deduction. BEM 554

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.

DECISION AND ORDER

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



AM/dm

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 :

DHHS
Andrea Stevenson - 17
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HoldenM

DensonSogbakaN

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MOAHR

Via-First Class Mail :

Petitioner

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