



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: October 10, 2024
MOAHR Docket No.: 24-010000
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 October 1, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Melissa Stanely Hearing Facilitator. Department Exhibit 1, pp. 1-41 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 May █████ 2024, Petitioner submitted redetermination paperwork.
2. On July █████ 2024, Notice of Case Action was sent to Petitioner informing her that she was eligible for monthly FAP benefit of \$████
3. On August █████ 2024, Petitioner requested hearing disputing her FAP benefit amount.
4. Petitioner receives \$████ gross in social security benefits.
5. Petitioner pays \$████ for rent, and she is responsible for her phone bill.

6. On September █ 204 Notice of Case Action was sent to Petitioner informing her that her FAP benefit amount is \$█ per month.

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.

Allowable Expenses

Allow the following expenses: • Basic shelter expenses as described above. • Heat and Utility Standard, or individual utility standards. • Utility installation fees charged by the utility provider, excluding deposits. • Well/septic installation and maintenance. BEM 554

In this case, Petitioner has \$█ in monthly unearned income. Petitioner pays \$█ in housing expense and is responsible for her telephone bill. After deducting the standard deduction of \$204 and excess shelter deduction of \$74, Petitioner has \$█ in net income. BEM 554 A household of 1 with \$699 in net income is entitled to \$82 per month in FAP benefit, that is the amount determined by the Department and it is proper and correct and consistent with Department policy. RFT 260 At hearing, Petitioner raised issues with regard to other expenses that are not allowable under BEM 554. Petitioner was given the expenses she was entitled to according to Department policy.

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
Elisa Daly
Saginaw County DHHS
MDHHS-Saginaw-
Hearings@michigan.gov

HoldenM

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Via-First Class Mail :

Petitioner

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