



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 11, 2024  
MOAHR Docket No.: 24-010021  
Agency No.: ██████████  
Petitioner: █████ █████

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

**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 3, 2024, from Lansing, Michigan. █████ █████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Kimberly Polasek, Lead Eligibility Specialist.

During the hearing proceeding, the Department's Hering Summary packet was admitted as Exhibit A, pp. 1-24.

**ISSUE**

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

**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 █████ 2024, Petitioner turned in receipts for distilled water as well as other medical expenses. (Exhibit A, pp. 18-23)
2. On August █████ 2024, Petitioner submitted a note from her doctor stating that Petitioner needed distilled water for her sinus rinses and cpap machine, (Exhibit A, p. 9)
3. The Department considered the expenses for the distilled water for the FAP budget. (Exhibit A, p. 1)

4. The Department did not allow the expense for the other medical expenses because there was no doctor note to support that these items were needed. (Exhibit A, p. 1)
5. The Department also found that a medical expense from 2023 that had only a client statement and was being included in the FAP budget in error. This expense was ended. (Exhibit A, p. 1)
6. The allowable medical expenses did not total \$35.00 or more and could not be included in the FAP budget. (Exhibit A, p. 1)
7. On August [REDACTED] 2024, a Notice of Case Action was issued stating Petitioner's monthly FAP benefit amount would decrease to \$ [REDACTED] effective October 1, 2024. (Exhibit A, pp. 10-15)
8. On August 30, 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3 and 5-8)

### **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.

BAM 554 addresses allowable medical expenses for FAP. Allowable medical expenses are limited, but include over-the-counter medication (including insulin) and other health-related supplies (bandages, sterile gauze, incontinence pads, etc.) when recommended by a licensed health professional. BEM 554, July 1, 2024, p. 11. Acceptable verification sources include written statements from licensed health care professionals. BEM 554, p. 13.

For FAP groups with one or more senior/disabled/veteran (SDV) member, the Department uses medical expenses for the SDV member(s) that exceed \$35.00. BEM 554, p. 1.

In this case, Petitioner turned in receipts for distilled water as well as other medical expenses on July █ 2024. (Exhibit A, pp. 18-23). On August █ 2024, Petitioner submitted a note from her doctor stating that Petitioner needed distilled water for her sinus rinses and cpap machine, (Exhibit A, p. 9).

The Department considered the expenses for the distilled water for the FAP budget. The Department did not allow the expense for the other medical expenses because there was no doctor note to support that these items were needed. The Department also found that a medical expense from 2023 that had only a client statement and was being included in the FAP budget in error. This expense was ended. The allowable medical expenses did not total \$35.00 or more and could not be included in the FAP budget. (Exhibit A, p. 1). Accordingly, on August █ 2024, a Notice of Case Action was issued stating Petitioner's monthly FAP benefit amount would decrease to \$█ effective October 1, 2024. (Exhibit A, pp. 10-15).

Petitioner testified that the supplements she needs are expensive. Petitioner indicated that the doctor misunderstood what was needed to provide verification for her medical expenses. Petitioner obtained another letter from her doctor. (Petitioner Testimony).

Overall, the evidence supports that the Department properly determined Petitioner's eligibility for FAP based on the information available at the time of the August █ 2024 determination. The doctor's statement submitted at that time only addressed the need for distilled water. Accordingly, that is the only medical expense that could be considered at that time. As Petitioner provides additional verification to the Department, this information will be utilized to determine her ongoing eligibility for FAP.

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 eligibility for FAP.

### **DECISION AND ORDER**

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

CL/dm



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**Colleen Lack**

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**  
Rose Ward  
Newaygo County DHHS  
**MDHHS-Newaygo-  
Hearings@michigan.gov**

**HoldenM**

**DensonSogbakaN**

**BSC3HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED]