



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 25, 2024
MOAHR Docket No.: 24-010372
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 17, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Jennifer Richard. Department Exhibit 1, pp. 1-42 was received and admitted.

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 July █████ 2024, Petitioner applied for FAP benefits.
2. On August █████ 2024, Notice of Case Action was sent to Petitioner informing her that her FAP application was denied due to excess income.
3. On September █████ 2024, Petitioner verbally requested a hearing disputing the denial of FAP benefits.
4. Petitioner has \$██████ in housing expense per month and is responsible for utilities.
5. Petitioner’s household had \$██████ in earned income in July 2024

6. Petitioner's household has \$[REDACTED] in unearned income in July 2024.

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.

Exception:

For Food Assistance Program (FAP) only, a hearing request may be written or oral. If oral, complete the DHS-18, Request for Hearing, note on the DHS-18 the request was oral. Also note on the hearing summary that the request was oral. BAM 600

Standard Monthly Amount

A standard monthly amount must be determined for each income source used in the budget. Stable and Fluctuating Income Convert stable and fluctuating income that is received more often than monthly to a standard monthly amount. Use one of the following methods: • Multiply weekly income by 4.3. • Multiply amounts received every two weeks by 2.15. • Add amounts received twice a month. BEM 505

In this case, at hearing, Petitioner raised issues with regard to an SER application and her MA benefit. Petitioner verbally requested a hearing and verbal hearing requests are only permitted for FAP hearing requests. SER and MA issues will not be addressed in this decision BAM 600

With regard to FAP, at the time of application, in July 2024, Petitioner received checks on July 5 for \$[REDACTED] and July 19 for \$[REDACTED] Petitioner's son received checks on July 18 for \$[REDACTED] and August 1 for \$[REDACTED] After those checks were prospectively processed Petitioner's household had \$[REDACTED] in employment income per month. BEM 505 Petitioner argued that her June check stubs should be used because that is what she earned in the previous 30 days. The Department objective is to have an accurate assessment of an applicant's income. The July check stubs for Petitioner and her son were a more accurate assessment of Petitioner's current income and her income going forward.

Petitioner's household had \$[REDACTED] in earned income and \$[REDACTED] in unearned income. After deducting \$709 for the earned income deduction, \$208 for the standard deduction and \$244 for the excess shelter deduction Petitioner's household had \$[REDACTED] in net income.

The net income limit for a 4-person household is \$2,500. (Ex. 1, pp. 35-36) Therefore, Petitioner's household is over the net income limit and the denial due to excess income was proper and correct and consistent with 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 denied Petitioner's FAP application due to excess income.

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
Kimberly Kornoelje
Kent County DHHS
MDHHS-Kent-
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HoldenM

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MOAHR

Via-First Class Mail :

Petitioner

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