



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: October 25, 2024  
MOAHR Docket No.: 24-010677  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

### **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 hearing was held on October 16, 2024, via teleconference. Petitioner appeared and represented herself. Assistance Payments Supervisor, Jennifer Richard, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted into evidence at the hearing as MDHHS Exhibit A, pp. 1-20.

### **ISSUE**

Did MDHHS 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. Petitioner was an ongoing recipient of FAP benefits.
2. On September 10, 2024, MDHHS sent Petitioner a Notice of Case Action, indicating that her FAP benefits would be terminated and her case closed, effective October 1, 2024 ongoing (Exhibit A, p. 14). The reason for the closure was an alleged failure to return requested information regarding her income by the deadline (Exhibit A, p. 15). MDHHS acknowledged that this determination was made in error because Petitioner returned the requested verifications by the deadline (Exhibit A, p. 2).
3. On September 13, 2024, Petitioner requested a hearing regarding her FAP benefits.

4. On [REDACTED] 2024, MDHHS reinstated Petitioner's FAP benefits, effective [REDACTED], 2024 ongoing (Exhibit A, p. 2).

### **CONCLUSION 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. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, MDHHS initially closed Petitioner's FAP case for failure to return the requested verifications by the deadline. However, MDHHS acknowledged that this determination was made in error and subsequently reinstated Petitioner's FAP benefits, effective [REDACTED], 2024 ongoing. Despite the reinstatement, Petitioner disputed her FAP benefit rate, beginning in [REDACTED] 2024. FAP beneficiaries are entitled to dispute their benefit amount whenever they believe that the amount is incorrect. BAM 600 (February 2024), p. 5.

To determine whether MDHHS properly calculated Petitioner's FAP benefit amount, it is necessary to evaluate the household's countable income. BEM 500 (April 2022), pp. 1-5. Here, Petitioner testified that she reported to MDHHS that she was on a short-term disability leave from [REDACTED] and that she provided paystubs to MDHHS regarding her disability income (Exhibit A, pp. 7-11). MDHHS' Hearing Summary indicated that Petitioner was receiving \$[REDACTED] in FAP benefits (Exhibit A, p. 1). However, MDHHS did not introduce a Notice of Case Action with the benefit amount, nor did it introduce any FAP budgets at the hearing. MDHHS could not adequately explain how it budgeted Petitioner's income beginning in [REDACTED] 2024. Due to the incomplete record, it is not possible to determine whether MDHHS properly determined Petitioner's FAP benefit rate.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's eligibility for FAP benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is **REVERSED**. MDHHS IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's FAP benefit rate, effective [REDACTED] 2024 ongoing;
2. Issue supplemental payments to Petitioner for any FAP benefits that she was eligible to receive, but did not, from [REDACTED] 2024 ongoing; and
3. Notify Petitioner of its decision in writing.

LJ/pt

  
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**Linda Jordan**  
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  
121 Martin Luther King Jr St SE  
Ste 200  
Grand Rapids, MI 49507  
**MDHHS-Kent-Hearings@michigan.gov**

**Interested Parties**

BSC3  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via-First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
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