



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

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██████████, MI ██████████

Date Mailed: November 20, 2024  
MOAHR Docket No.: 24-011838  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE: Kevin Scully**

**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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 14, 2024, from Lansing, Michigan. Petitioner represented himself and Teresa Merrit testified on his behalf. The Department was represented by Domini Melson.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application 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 ██████████ ██████████ 2024, the Department received Petitioner's application for Food Assistance Program (FAP) benefits.
2. Petitioner resides in a for profit adult foster care facility.
3. On January 8, 2024, the Department notified Petitioner that his application for Food Assistance Program (FAP) benefits had been denied.
4. On October 14, 2024, the Department received Petitioner's request for a hearing protesting the denial of Food Assistance Program (FAP) benefits.

## **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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons reside in an eligible living situation. Department of Human Services Bridges Eligibility Manual (BEM) 212 (October 1, 2024), p 1.

A person is a resident of an institution when the institution provides the majority of the individual's meals as part of its normal services. Residents of institutions are not eligible for FAP benefits unless the facility is authorized by the Food and Nutrition Service to accept FAP benefits, the facility is an eligible group living facility, or the facility is a medical hospital and there is a plan for the person's return home. BEM 202, p. 8.

In order to be eligible for FAP as an adult foster care home resident, the home must be nonprofit and licensed for 16 or fewer residents. Nonprofit means IRS tax exempt. Department of Health and Human Services Bridges Eligibility Manual (BEM) 615 (October 12, 2024), p 2.

Petitioner applied for FAP benefits as a household of one and reported to the Department that he was living in a for profit adult foster care facility. Petitioner is living in an institution as defined by Department policy, and this institution is not an eligible group living facility because it is a for profit institution not authorized to accept FAP benefits by the Food and Nutrition Service, a federal agency. Therefore, Petitioner is not eligible for FAP benefits, and the Department notified him that his application had been denied.

Petitioner credibly testified that the food serviced by the institution where he resides is not suitable for him based on his specific dietary needs.

However, Petitioner is not eligible for FAP benefits because the institution where he resides is not an eligible group living facility. The Petitioner's grievance centers on dissatisfaction with the Department's current policy. Administrative Law Judges have


no authority to make exceptions to the department policy set out in the program manuals.

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 application for Food Assistance Program (FAP) benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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**Kevin Scully**  
Administrative Law Judge  
Michigan Office of Administrative Hearings  
and Rules (MOAHR)

**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**

Jennifer Weston  
Van Buren County DHHS  
57150 Cty. Rd. 681  
Hartford, MI 49051

**MDHHS-VanBuren-Hearings@michigan.gov**

**Interested Parties**

BSC3

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

**Via First Class Mail:**

**Petitioner**

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