



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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Date Mailed: December 20, 2024
MOAHR Docket No.: 24-012852
Agency No.: ██████████
Petitioner: ██████████

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 December 11, 2024, via teleconference. Petitioner appeared and represented himself. ██████████ appeared as a witness for Petitioner. Megan Sterk, Family Independence Manager, 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. 1-29.

ISSUE

Did MDHHS properly determine Petitioner's Food Assistance Program (FAP) benefit rate?

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 August 17, 2024, MDHHS sent Petitioner a Notice of Case Action, indicating that his FAP benefit rate decreased to \$157.00 per month, effective September 1, 2024 ongoing (Exhibit A, p. 6).
3. On September 5, 2024, MDHHS sent Petitioner a Notice of Case Action, indicating that his FAP benefit rate increased to \$211.00 per month, effective October 1, 2024 ongoing (Exhibit A, p. 13).

4. On September 28, 2024, MDHHS sent Petitioner a Notice of Case Action, indicating that his FAP benefit rate decreased to \$73.00 per month, effective November 1, 2024 ongoing (Exhibit A, p. 20).
5. On November 13, 2024, Petitioner requested a hearing regarding his FAP benefits (Exhibit A, pp. 3-5).

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. 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, Petitioner disputed the decrease in his FAP benefit amount to \$73.00 per month, effective November 1, 2024. MDHHS asserted that the fluctuations in Petitioner's FAP benefit rate were due to changes in his unearned income and shelter amount.

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. MDHHS alleged that the decrease in Petitioner's FAP benefit rate was due Petitioner beginning to receive Supplemental Security Income (SSI) at a rate of \$██████ per month. SSI is a benefit administered by the Social Security Administration (SSA), which includes a basic federal benefit, and an additional amount paid from state funds. BEM 503 (October 2024), p. 35. MDHHS budgeted \$██████ per month for Petitioner's SSI benefit. Petitioner did not dispute this amount.

After income is calculated, MDHHS must determine applicable deductions. Petitioner's FAP group is considered a Senior/Disabled/Disabled Veteran (SDV) group. BEM 550 (February 2024), p. 1. SDV groups are eligible for the following deductions.

- Earned income deduction
- Dependent care expense
- Court ordered child support and arrearages paid to non-household members
- Medical expenses for SDV members that exceed \$35
- Standard deduction based on group size
- Excess shelter deduction

BEM 550, p. 1; BEM 554 (July 2024), p. 1; BEM 556 (May 2024), p. 3.

No evidence was presented that Petitioner had earned income, dependent care expenses, verified medical expenses or court-ordered child support. MDHHS budgeted the standard deduction for a household of one, which was \$204.00. RFT 255 (October 2024), p. 1. To calculate Petitioner's Adjusted Gross Income (AGI), the deductions were subtracted from the countable income of \$[REDACTED] to equal \$[REDACTED].

Next, MDHHS is required to determine the excess shelter deduction. MDHHS budgeted \$24.00 for Petitioner's excess shelter deduction. This was based on housing expenses of \$400.00. Petitioner did not dispute this amount. No evidence was presented that Petitioner paid for additional utilities. Thus, MDHHS determined that Petitioner's total shelter expense was \$400.00.

To determine the excess shelter deduction, 50% of the AGI is subtracted from the total shelter amount. Subtracting 50% of Petitioner's AGI, or \$376.00 (dropping the cents), from Petitioner's total shelter amount of \$400.00 equals \$24.00. Thus, MDHHS properly determined that Petitioner's excess shelter deduction was \$24.00. To determine Petitioner's net income for FAP, MDHHS subtracted the excess shelter deduction of \$24.00 from Petitioner's AGI of \$[REDACTED] to equal \$[REDACTED]. A household of one with a net income of \$[REDACTED] is entitled to receive \$73.00 per month in FAP benefits. RFT 260 (October 2024), p. 11.

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 MDHHS acted in accordance with Department policy when it determined Petitioner's FAP benefit rate.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/pt



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
Karen Koedam
Barry County DHHS
430 Barfield Drive
Hastings, MI 49058
MDHHS-Allegan-Hearings@michigan.gov

Interested Parties

BSC3
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner

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