



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
DIRECTOR

██████████
██████████
██████ MI ██████

Date Mailed: April 29, 2025
MOAHR Docket No.: 24-013685
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 April 23, 2025. Petitioner represented herself. The Department was represented by Lynda Brown.

ISSUE

Did the Department of Health and Human Services (Department) properly determine her eligibility for the Food Assistance Program (FAP)?

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 is an ongoing recipient of Food Assistance Program (FAP) benefits as a household of three.
2. Petitioner receives a monthly income of \$██████ consisting of social security benefits and child support payments.
3. On December 12, 2024, the Department notified Petitioner that she was eligible for a \$248 monthly allotment of Food Assistance Program (FAP) benefits as a household of three.
4. On ██████████ 2024, the Department received Petitioner's request for a hearing protesting the level of Food Assistance Program (FAP) benefits she is receiving.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned income. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (April 1, 2022), pp 1-17.

Petitioner is an ongoing recipient of FAP benefits as a household of three. Her household of three receives a gross monthly income totaling \$[REDACTED] including social security payments and child support payments. Petitioner's adjusted gross monthly income of \$[REDACTED] was determined by reducing her total income by the \$204 standard deduction.

Petitioner credibly testified that her social security benefits are being reduced due to an overpayment by the Social Security Administration.

However, the Department is required to apply gross income towards Petitioner's eligibility for FAP benefits by BEM 500 even though this amount is more than she actually receives each month.

Petitioner is entitled to submit out of pocket medical expenses exceeding \$35, but no evidence was presented that Petitioner provided verification of recent medical expenses that she has incurred.

Petitioner is entitled to a \$311 deduction for shelter expenses, which was properly determined by reducing the total of her \$618 housing expenses and the \$664 standard heat and utility deduction by 50% of her adjusted gross income.

Petitioner's net monthly income of \$1,732 was determined by deducting her shelter expenses from her adjusted gross income. A household of three with a net income of \$1,732 is entitled to a \$248 monthly allotment of FAP benefits. Department of Health


and Human Services Reference Table Manual (RFT) 260 (October 1, 2024), p 24. As Petitioner's circumstances change, including cost of living allowances and changes to expenses, her eligibility for FAP benefits will change as well.

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 the Food Assistance Program (FAP).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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

Chelsea McCune
Macomb County DHHS Warren Dist.
13041 E 10 Mile
Warren, MI 48089

MDHHS-Macomb-20-Hearings@michigan.gov

Interested Parties

BSC4
M. Holden
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

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