



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: January 16, 2025
MOAHR Docket No.: 24-013828
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On ██████████, 2024, Petitioner ██████████ requested a hearing to dispute her Food Assistance Program (FAP) benefit amount. As a result, a hearing was scheduled to be held on January 15, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Hearing Facilitator Amber Gibson appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 12-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

ISSUE

Did the Department properly determine Petitioner's FAP benefit amount?

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 a FAP benefit recipient.
2. Petitioner lives alone.
3. Petitioner received ██████████ per month from Social Security RSDI in 2024.

4. Petitioner receives [REDACTED] per month from Social Security RSDI (as of 2025).
5. Petitioner receives [REDACTED] per month from a pension.
6. Petitioner pays a rent expense of \$366.42 per month.
7. Petitioner pays her home utilities, including utilities for heating and/or cooling.
8. Petitioner does not pay an internet expense.
9. The Department determined that Petitioner was eligible for a maximum FAP benefit amount of \$51.00 per month for a group size of one, effective December 1, 2024. The Department determined Petitioner's FAP benefit amount using the following information:
 - a. Group size of one.
 - b. [REDACTED] per month in unearned income.
 - c. \$204.00 per month for a standard deduction.
 - d. \$366.42 per month for housing costs.
 - e. \$664.00 per month for a heat/utility standard.
10. The Department determined that Petitioner had [REDACTED] per month in unearned income because Petitioner received [REDACTED] per month from Social Security RSDI, and Petitioner received [REDACTED] per month from a pension.
11. The Department determined that Petitioner was eligible for a maximum FAP benefit amount of \$41.00 per month for a group size of one, effective January 1, 2025. The Department determined Petitioner's FAP benefit amount using the following information:
 - a. Group size of one.
 - b. [REDACTED] per month in unearned income.
 - c. \$204.00 per month for a standard deduction.
 - d. \$366.42 per month for housing costs.
 - e. \$664.00 per month for a heat/utility standard.
12. The Department determined that Petitioner had [REDACTED] per month in unearned income because Petitioner received [REDACTED] per month from Social Security RSDI, and Petitioner received [REDACTED] per month from a pension.

13. Petitioner requested a hearing to dispute her FAP benefit amount.
14. After Petitioner requested a hearing, Petitioner provided proof of medical expenses to the Department, and the Department added medical expenses to Petitioner's January 2025 FAP budget. This increased Petitioner's January 2025 FAP benefit amount from \$41.00 to \$164.00.

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

The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income, and then looking that information up in its applicable Food Issuance Table. BEM 212 (October 1, 2024), BEM 213 (October 1, 2024), BEM 550 (October 1, 2024), BEM 554 (October 1, 2024), BEM 556 (October 1, 2024), RFT 255 (October 1, 2024), and RFT 260 (October 1, 2024).

Based on Petitioner's gross unearned income of [REDACTED] per month, Petitioner's housing cost of \$366.42 per month, and Petitioner's obligation to pay her heating/cooling utilities, Petitioner's net income was [REDACTED] in December 2024. Based on Petitioner's net income of [REDACTED] and Petitioner's group size of one, the maximum FAP benefit amount that Petitioner was eligible for in December 2024 was \$50.00. The Department determined that Petitioner was eligible for \$51.00 for December 2024 due to a rounding difference.

Petitioner's income increased in 2025 due to a Social Security cost-of-living adjustment. This caused Petitioner's net income to increase and her FAP benefit to decrease.

Beginning in 2025, Petitioner's gross unearned income was [REDACTED] per month. Based on Petitioner's gross unearned income of [REDACTED] per month, Petitioner's housing cost of \$366.42 per month, and Petitioner's obligation to pay her heating/cooling utilities, Petitioner's net income is [REDACTED] per month. Based on Petitioner's net income of [REDACTED] per month and Petitioner's group size of one, the maximum FAP benefit amount that Petitioner is eligible for is \$41.00 per month. This is the same amount the Department determined that Petitioner was eligible for.

The Department properly determined Petitioner's net income for purposes of computing her FAP benefit amount. The Department followed the applicable policies and used the maximum deductions it was permitted to use to calculate Petitioner's net income and FAP benefit amount.

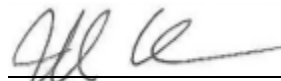
Petitioner subsequently provided the Department with proof of medical expenses, and the Department added those medical expenses to Petitioner's January 2025 FAP budget. This caused Petitioner's January 2025 FAP benefit to increase. Petitioner should continue to provide the Department with proof of medical expenses as they are incurred. It is Petitioner's responsibility to report her medical expenses to the Department.

DECISION AND ORDER

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 its policies and the applicable law when it determined Petitioner's Food Assistance Program benefit amount.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

JK/pe



Jeffrey Kemm
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
Amber Gibson
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5303 South Cedar
P.O. Box 30088
Lansing, MI 48911
MDHHS-Ingham-Hearings@michigan.gov

Interested Parties
BSC2
B. Cabanaw
M. Holden
N. Denson-Sogbaka
MOAHR

Via First Class Mail:

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