



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
DIRECTOR

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

Date Mailed: January 29, 2025  
MOAHR Docket No.: 24-013959  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 January 21, 2025, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Amber Gibson.

**ISSUE**

Did the Department of Health and Human Services (Department) 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 is an ongoing recipient of Food Assistance Program (FAP) benefits as a household of one.
2. Petitioner receives monthly unemployment compensation benefits in the gross monthly amount of [REDACTED]
3. On November 9, 2024, the Department notified Petitioner that he was eligible for a \$23 monthly allotment of Food Assistance Program (FAP) benefits as a household of one.
4. On December 9, 2024, the Department received Petitioner's verbal request for a hearing protesting his eligibility for 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.

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.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2023), pp 7-8.

Petitioner is an ongoing FAP recipient as a household of one. After receiving reliable information that Petitioner was receiving gross bi-weekly unemployment compensation benefit payments of [REDACTED] the Department initiated a review of his eligibility for ongoing benefits.

The Department determined Petitioner's prospective gross monthly income by multiplying his bi-weekly unemployment payments by the 2.15 conversion factor as directed by BEM 503. Petitioner's adjusted gross income of [REDACTED] was determined by reducing his total gross income by the \$204 standard deduction. Petitioner did not report any child care expenses or that he is disabled.

The hearing record supports a finding that Petitioner is not responsible for housing expenses, and he credibly testified that he is temporarily staying with someone. The Department granted Petitioner the standard \$664 heat and utility deduction, which is appropriate if he shares in heating expenses where he is living.

However, since Petitioner's prospective gross monthly income is more than twice his allowable shelter deductions, Petitioner is not entitled to a shelter deduction. Therefore, Petitioner's net monthly income is the same as his adjusted gross monthly income. A household of one with a net monthly income of [REDACTED] is entitled to a \$23 monthly allotment of FAP benefits.


Petitioner credibly testified that his unemployment compensation payments have changed since starting employment. As Petitioner's circumstances change, his eligibility for FAP benefits will change as well. The Department has established that it properly determined Petitioner's eligibility for FAP benefits as of November 9, 2024, based on the best information available at that time.

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/ml

  
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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**

Amber Gibson  
Ingham County DHHS  
5303 South Cedar  
PO BOX 30088  
Lansing, MI 48911

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

**Interested Parties**

BSC2

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED], MI [REDACTED]