



Date Mailed: February 24, 2025

Docket No.: 25-004023

Case No.: [REDACTED]

Petitioner: [REDACTED]

«RECIP_FULL_NAME»
«RECIP_ADD0»
«RECIP_ADD1»
«RECIP_ADD2»
«RECIP_CITY», «RECIP_SPCODE»
«RECIP_POSTAL»

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on February 18, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Hannah Czechowski, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (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 an ongoing recipient of FAP benefits with a household size of one.
2. Petitioner is disabled and receives [REDACTED] per month from Supplemental Security Income (SSI) and [REDACTED] per month from Retirement, Survivors, and Disability insurance (RSDI). Exhibit A, p. 37. Petitioner's total unearned monthly income totals [REDACTED]

-
-
3. On October 1, 2024, the Department contacted the Social Security Administration (SSA) and verified Petitioner's income. Exhibit A, pp. 6, 40. The Department corrected Petitioner's income in her case file.
 4. On December 7, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner informing her that her monthly FAP benefit amount would decrease to \$149 effective January 1, 2025 ongoing. Exhibit A, pp. 17-21.
 5. On January 14, 2025, the Department received Petitioner's request for hearing disputing her current FAP benefit amount.

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).

MA

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Petitioner requested a hearing on January 14, 2025, disputing the Department's actions with respect to MA. At the start of the hearing, the Department testified that Petitioner had full coverage MA benefit under the SSI-MA program and explained that this MA coverage was reflected on a separate case. The Department confirmed that there were no breaks in coverage. Petitioner agreed that any concerns regarding her MA eligibility were resolved. In that there was no longer an issue for adjudication, the request for hearing with respect to MA benefits is **DISMISSED**.

FAP

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. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Petitioner requested a hearing on January 14, 2025, disputing the Department's actions with respect to FAP. In her request for hearing, Petitioner contended that her income

had not changed in years and questioned the accuracy of the Department's calculations of her income and deductions. The Department established that as of January 1, 2025 ongoing, Petitioner was approved for \$149 in monthly FAP benefits.

Petitioner's FAP budget for January 2025 ongoing was reviewed with Petitioner on the record. All countable earned and unearned income available to the client must be considered in determining a client's eligibility for program benefits. BEM 500 (April 2022), pp. 1-5. The budget showed [REDACTED] in unearned income, which the Department explained was RSDI and SSI income that Petitioner received monthly. Petitioner confirmed that she receives [REDACTED] in monthly gross unearned income. Petitioner reported no current earned income or self-employment income. Therefore, the Department properly calculated Petitioner's income amount.

For groups containing senior, disabled, or disabled veteran (S/D/V) members, such as Petitioner's, the Department considers only the following deductions to income: a standard deduction, childcare expenses, court-ordered child support and arrearages paid to non-household members, the medical expenses above \$35 for each S/D/V group member, and an uncapped excess shelter deduction. BEM 554 (January 2025), p. 1. Petitioner's FAP benefit group size of one justifies a standard deduction of \$204.00. RFT 255 (October 2024), p. 1. The Department properly included the standard deduction in Petitioner's household budget.

A S/D/V group that has a verified one-time or ongoing medical expense(s) of more than \$35.00 for the S/D/V member will receive the Standard Medical Deduction (SMD). The SMD is \$165.00. If the group has actual medical expenses, which are more than the SMD, they have the option to verify their actual expenses instead of receiving the SMD. BEM 554, p. 9. Petitioner confirmed that she did not submit for consideration medical expenses. Petitioner was advised that she may submit actual medical expenses for consideration into her budget in the future. Since at the time of its determination Petitioner had no reported medical expenses, the Department acted properly in not including any deductions for medical expenses. Petitioner's gross income of [REDACTED] less the \$204 standard deduction resulted in an adjusted gross income of [REDACTED] Exhibit A, p. 35.

The Department calculated Petitioner's housing expenses, which Petitioner confirmed as \$41.08 monthly. Petitioner also confirmed that she is required to cover the expenses of her utilities. The Department credited Petitioner with a heat/utility (h/u) standard credit of \$664.00. RFT 255, p. 1. Generally, the h/u credit covers all utility expenses and is the maximum credit available. Petitioner's total shelter obligation, the sum of the rent she is responsible for paying and the \$664 h/u standard, is \$705. Exhibit A, p. 38.

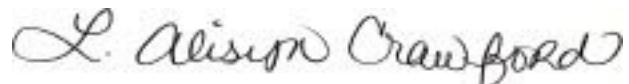
The Department credits FAP S/D/V group members with an "excess shelter" expense. The excess shelter expense is calculated by subtracting half of the adjusted gross income from the total shelter obligation. Petitioner's excess shelter amount is \$312.00. Exhibit A, p. 38.

Next, the FAP benefit group's net income is determined by subtracting the excess shelter expense from the group's adjusted gross income; doing so results in [REDACTED] in net income for Petitioner. Department policy at RFT 260 (October 2024), p. 7 shows that based on Petitioner's group size and net income, Petitioner's FAP benefit amount is \$149, the same amount that was calculated by the Department. Thus, the Department properly determined Petitioner's FAP benefit amount. Petitioner was advised that if any of her expenses have changed, she can update the Department at any time and her eligibility will be reviewed.

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 Department policy when it determined Petitioner's FAP benefit amount.

Accordingly, the Department's decision is **AFFIRMED**.



L. ALISYN CRAWFORD
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks.

Via Electronic Mail:

Respondent

GENESEE COUNTY DHHS CLIO RD DIST
4809 CLIO RD
FLINT, MI 48502

MDHHS-GENESEE-CLIO-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC2

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

Via First Class Mail:

Petitioner

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