



Date Mailed: April 4, 2025

Docket No.: 25-007301

Case No.: [REDACTED]

Petitioner: [REDACTED]

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।

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

HEARING DECISION

On February 18, 2025, Petitioner Brent McKinley requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on April 2, 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 himself. Respondent Michigan Department of Health and Human Services (Department) had Assistance Payments Supervisor Amanda Boobyer appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 24-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:

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1. Petitioner is a FAP benefit recipient.
 2. Petitioner is not a senior or disabled individual.
 3. On January █ 2025, Petitioner submitted a redetermination form to the Department to renew his Medicaid eligibility, and Petitioner reported earned income.
 4. Petitioner is employed by PCS, and PCS pays Petitioner weekly. Petitioner provided the Department with the following paystubs:
 - a. November █ 2024, paystub showing gross pay of \$█ for 28.5 hours.
 - b. November █ 2024, paystub showing gross pay of \$█ for 28.5 hours.
 - c. November █ 2024, paystub showing gross pay of \$█ for 29.5 hours.
 - d. December █ 2024, paystub showing gross pay of \$█ for 17.5 hours.
 - e. December █ 2024, paystub showing gross pay of \$█ for 28.5 hours.
 5. The Department determined that Petitioner's earned income was \$█ per month based on the paystubs that Petitioner provided the Department.
 6. The Department added Petitioner's earned income to his case and redetermined his FAP benefit amount.
 7. On February █ 2025, the Department mailed a notice of case action to Petitioner to notify him that his FAP benefit was going to decrease to \$█ per month, effective March 1, 2025. The Department included a budget that showed the information the Department used to determine Petitioner's FAP benefit amount. The budget showed that the Department used the following information:
 - a. Group size of one.
 - b. \$█ per month for earned income.
 - c. \$█ per month for housing costs.
 - d. \$204.00 per month for a standard deduction.
 - e. \$█ per month for a heat/utility standard.
 8. Petitioner requested a hearing to dispute his FAP benefit amount.
 9. Petitioner is currently in the process of a FAP redetermination to renew his eligibility for FAP benefits, and the Department is reviewing Petitioner's updated information to redetermine his 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).

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.

In this case, the Department decreased Petitioner's FAP benefit to \$[REDACTED] per month after Petitioner provided the Department with information about his earned income. The issue is whether the Department properly determined Petitioner's FAP benefit amount when it determined that Petitioner was eligible for a maximum FAP benefit of \$[REDACTED] per month.

Petitioner provided the Department with five paystubs. The Department is required to prospect income using the best estimate of income expected to be received. BEM 505 (October 1, 2023), pp. 3-4. The Department should use income from the past 30 days when it appears to accurately reflect what is expected to be received in the benefit month. *Id.* at 6. The Department should discard pay from the past 30 days if it is unusual and does not reflect the normal expected pay amounts. *Id.* In this case, the Department averaged the five paystubs that Petitioner provided the Department with. Since Petitioner's Employer paid Petitioner weekly, the Department properly determined that Petitioner's average weekly pay was \$[REDACTED] by adding all five of Petitioner's paystubs together and then dividing the sum by five.

The Department must convert income to standard monthly amount. *Id.* at 8-9. Petitioner's employer paid Petitioner weekly. When pay is received weekly, the Department must multiply gross pay by 4.3 to calculate a standard monthly amount. *Id.* The Department properly multiplied Petitioner's average gross weekly pay of \$[REDACTED] by 4.3 to determine Petitioner's monthly income. Petitioner's average gross weekly pay of \$[REDACTED] multiplied by 4.3 equals \$[REDACTED]. The Department properly determined Petitioner's earned income amount when the Department determined that Petitioner's earned income was \$[REDACTED] per month.

There is gross income limit to be eligible for FAP benefits that applies to households that do not have a senior or disabled member. 7 CFR 273.10(e)(2)(B). Gross household income is the total of all earned and unearned income that a household receives. 7 CFR 273.10(e)(1)(i)(A) and 7 CFR 273.10(e)(2)(B). The gross income limit applies to Petitioner because his household does not have a senior or disabled member. Petitioner's gross household income consisted solely of his earned income, so Petitioner's gross household income was \$1,608.00 per month. The gross income limit for a household size of one was \$1,632.00 per month. RFT 250 (October 1, 2024).

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Petitioner's gross income did not exceed the gross income limit to be eligible for FAP benefits.

There is also a net income limit to be eligible for FAP benefits that applies to all households. 7 CFR 273.10(e)(2)(B). Net income is gross income minus allowable deductions. 7 CFR 273.10(e)(1)(i). Petitioner was eligible for an earned income deduction of \$321.00, a standard deduction of \$204.00, and an excess shelter deduction of \$223.00. These were the maximum deductions that Petitioner was eligible for in accordance with policy. Thus, Petitioner was eligible for deductions totaling \$[REDACTED] Petitioner's gross income of \$[REDACTED] minus his total deductions of \$[REDACTED] equals his net income of \$[REDACTED]. The net income limit for a household size of one was \$1,255.00 per month. RFT 250. Petitioner's net income did not exceed the net income limit to be eligible for FAP benefits.

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 group size of one and his net income of \$[REDACTED] the maximum FAP benefit that Petitioner was eligible for was \$[REDACTED]. Thus, the Department properly determined Petitioner's FAP benefit amount when the Department determined that Petitioner was eligible for a FAP benefit amount of \$[REDACTED] per month.

Petitioner testified that his rent has increased and his income has decreased. These are changes that took place after the Department determined Petitioner was eligible for a FAP benefit amount of \$[REDACTED] per month. The Department is currently redetermining Petitioner's eligibility for FAP benefits, and these changes may affect Petitioner's FAP benefit amount in the future. However, the Department properly determined Petitioner's FAP benefit amount of \$[REDACTED] per month based on the information that Petitioner provided to the Department at the time.

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 FAP benefit amount.

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



JEFFREY KEMM
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. 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. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

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MOAHR

Via First Class Mail:

Petitioner

