



Date Mailed: April 17, 2025

Docket No.: 25-011328

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 përktheti dokumentin.

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 20, 2024, Petitioner, [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) benefit case closure. As a result, a hearing was scheduled to be held on April 15, 2025, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Jenee Murray, Hearing Facilitator.

A 29-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's FAP benefit case due to excess income?

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 has a household size of 7 consisting of Petitioner, Petitioner's ex-husband, and their 5 children.

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2. On December 27, 2024, Petitioner submitted a child support order indicating that Petitioner's ex-husband was paying \$1,099.00 in child support for 3 children.
 3. On January 30, 2025, Petitioner submitted a letter reporting that her ex-husband is residing in the home until the sale of their marital home is completed.
 4. On February 6, 2025, Petitioner's ex-husband submitted his 2023 tax return and an employment verification form reporting that he had an annual earned income of [REDACTED] [REDACTED] in gross earnings per month).
 5. Petitioner received earned income of [REDACTED] on January 24, 2025, and [REDACTED] on February 7, 2025, from [REDACTED].
 6. Petitioner's monthly housing costs were \$2,093.00, and because Petitioner reported that Petitioner pays for heat, Petitioner received the heat/utility standard of \$664.00.
 7. On March 12, 2025, a Notice of Case Action was issued stating that Petitioner's FAP benefit case would close effective January 1, 2025, due to Petitioner's group's gross income exceeding program limits.
 8. On March 26, 2025, Petitioner's child support income and support expense record was updated, and a Notice of Case Action was issued stating that Petitioner's FAP benefit case would close effective January 1, 2025, due to Petitioner's group's gross income exceeding program limits.
 9. On March 20, 2025, Petitioner requested a hearing to dispute the Department's determination.

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 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.

The Department uses countable income to determine eligibility and benefit levels. Income remaining after applying the policy in the income related items is called countable. For FAP purposes, all earned and unearned income available to an applicant

or recipient is countable. The Department uses gross income when determining countable income. Gross income is the amount of income before any deductions such as taxes or garnishments, and the amount counted may be more than the client actually receives. BEM 500.

In this case, Petitioner received earned income of [REDACTED] on January 24, 2025, and [REDACTED] on February 7, 2025. Those income amounts were added and divided by 2. The total was then multiplied by 2.15, which equals a projected gross monthly earned income amount of [REDACTED] for Petitioner. This was added to Petitioner's ex-husband's income of [REDACTED] resulting in a total gross monthly earned income of [REDACTED] + [REDACTED]

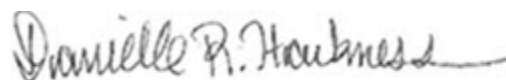
Based on Petitioner's household size of 7, Petitioner's earned income of [REDACTED] the earned income deduction of [REDACTED] and the standard deduction of \$291.00, the Department properly determined that Petitioner's net income was [REDACTED]

The Department followed the applicable policies and used the maximum deductions it was permitted to use to calculate Petitioner's group's net income. Thus, the Department properly closed Petitioner's FAP benefits.

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 closed Petitioner's FAP benefits beginning January 1, 2025.

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



DANIELLE R. HARKNESS
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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Interested Parties

BSC4
B CABANAW
M HOLDEN
MOAHR

Via First Class Mail:

Petitioner

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