



Date Mailed:
Docket No.: 24-037969
Case No.: [REDACTED]
Petitioner: [REDACTED]



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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

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 5, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Qutresha Simon, Eligibility Specialist.

ISSUE

Did the Department properly calculate the amount of Petitioner's 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 FAP benefits.
2. Petitioner is the sole person in her FAP household group.
3. On [REDACTED] 2024, Petitioner completed a FAP renewal application. (Exhibit A, pp. 17-18). With her FAP renewal application, Petitioner indicated that she was

no longer homeless and as of the date of renewal, she was employed with [REDACTED] (Employer). (Exhibit A, p. 17).

4. On December 6, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) approving FAP benefits in the amount of \$23 per month effective January 1, 2025 through June 30, 2025. (Exhibit A, pp. 19-23).
5. On December 30, 2024, the Department received Petitioner's request for a hearing disputing the amount of her FAP benefits. (Exhibit A, pp. 4-10). Petitioner's hearing request included a letter indicating that her housing expenses were \$200 per week (Exhibit A, p. 6) and paystubs from Employer.

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) [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.

In this case, Petitioner disputed her monthly FAP allotment. Based on Department testimony, as of February 1, 2025, Petitioner's FAP allotment increased to \$26 per month based on the documents Petitioner's submitted with her hearing request. Petitioner testified that she received more FAP benefits when she was on state assistance years ago and questioned the accuracy of the Department's calculations of her income and deductions.

Petitioner's FAP budget for February 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.

Petitioner is employed full time at [REDACTED] and makes [REDACTED] per hour. Based on her submitted paystubs, Petitioner's earned income was [REDACTED] on the FAP budget. (Exhibit A, p. 26). Petitioner did not dispute the amount of her earned income. Petitioner's earned income noted in her FAP budget was properly determined to be [REDACTED]

The deductions to income from the net income budget were also reviewed. Gross countable earned income is reduced by a 20 percent earned income deduction. BEM 550 (October 2024), p. 1. Petitioner has earned income; thus, the Department provided the applicable earned income deduction of \$347, which is 20% of Petitioner's earned income of [REDACTED] Exhibit A, p. 26. The Department then applied a standard deduction of \$204, which was based on Petitioner's confirmed group size of one. RFT 255 (October 2024), p. 1. Based on Petitioner's available deductions (excluding the excess shelter deduction), Petitioner has an adjusted gross income (AGI) of [REDACTED] the difference between her gross income of [REDACTED] and the \$347 earned income deduction and the \$204 standard deduction.

The final deduction applicable to the calculation of Petitioner's net income for FAP purposes, the excess shelter deduction, is based on Petitioner's monthly housing expense and the utility standards applicable to Petitioner's case based on the utilities she is obligated to pay. This sum is reduced by 50% of her AGI to arrive at her excess shelter deduction. BEM 556, pp. 4-5, BEM 554, pp. 13-24.

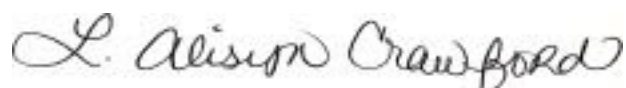
With respect to the calculation of the excess shelter deduction, the Department testified that it considered Petitioner's responsibility for her monthly rent of \$860 and the telephone standard of \$30. Petitioner confirmed that her rental expense of \$860 included heat, electricity, water, and other utility expenses. Therefore, the Department properly only considered Petitioner's rent obligation and the \$30 telephone standard in determining her shelter expenses. Upon review, the Department properly applied the correct excess shelter deduction amount of \$299 to Petitioner's budget. Exhibit A, p. 27.

After further review, Petitioner's FAP allotment was calculated in accordance with Department policy. Thus, the Department properly determined Petitioner's income and took into consideration the appropriate deductions to income. Based on Petitioner's net income of [REDACTED] Petitioner's one person FAP group is eligible for \$26 in monthly FAP benefits. RFT 260 (October 2024), p. 13.

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 calculated Petitioner's FAP benefits.

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



L. ALISYN CRAWFORD

24-037969

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

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Via Electronic Mail:

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