



Date Mailed: May 1, 2025

Docket No.: 25-011344

Case No.: [REDACTED]

Petitioner: [REDACTED]

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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

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 April 15, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Kimberly Jefferson, eligibility Specialist (ES) and Cathy ZBurr, Assistance Payments Supervisor (APS).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-25.

ISSUE

Did the Department properly determine Petitioner's eligibility for the Food Assistance Program (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On February 14, 2025, Petitioner submitted a six month review for her FAP case and reported that her household's monthly income had changed by more than

\$125.00 since the last reported change. Petitioner also indicated a household composition of two, herself and her son, and that they are both are enrolled in school. Petitioner included two pay stubs that show she is paid weekly, pay dates January 10, 2025 and January 31, 2025. (Exhibit A, pp. 14-15 and 23-25)

2. On March 10, 2025, an Employment Verification form was issued to Petitioner requesting proof of income from [REDACTED] with a due date of March 20, 2025. (Exhibit A, pp. 20-22)
3. On March 17, 2025, the Employment Verification form was received listing pay dates of January 17, 2025, January 31, 2025, February 14, 2025, and February 21, 2025. The form was signed as being completed by [REDACTED] on March 14, 2025. Pay stubs were also submitted for pay dates of January 17, 2025, January 31, 2025, February 14, 2025, and February 28, 2025. (Exhibit A, pp. 16-22)
4. On March 17, 2025, the Department contacted [REDACTED] and were told that [REDACTED] had not worked for the company since August. [REDACTED] verified that pay is weekly and verified the payments made to Petitioner on January 10, 2025, January 17, 2025, January 24, 2025, January 31, 2025, and February 7, 2025. (Exhibit A, p. 1; ES Testimony)
5. On March 17, 2024, a Notice of Case Action was issued to Petitioner stating that FAP benefits were approved in the amount of \$165.00 per month effective April 1, 2025, based on the current income and expenses. (Exhibit A, pp. 6-12)
6. On March 26, 2025, Petitioner requested a hearing contesting the Department's determination. (Exhibit A, pp. 3-5)

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.

FAP simplified reporting households must report when the household monthly income exceeds the monthly gross income limit for its household size. 7 CFR 273.12(a)(5)(ii)(G)(1)

Further, periodic reports are to be submitted on which it is requested that the household report any changes in circumstances. 7 CFR 273.12(a)(5)(iii) Department policy requires simplified reporting households to complete the Simplified Six Month Review form. BAM 200, October 1, 2024, p. 3. When processing the Simplified Six Month Review, adequate notice is given for all discovered changes. These include changes such as automated system matches (consolidated inquiry, State On-line Query (SOLQ), and/or reported on the Simplified Six Month Review. BAM 200, p. 5.

The Department considers the gross wage amount as earned income. BEM 501, January 1, 2024, pp. 6-7.

For FAP, a shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. BEM 554, (January 1, 2025), p. 14. The heat/utility (h/u) standard covers all heat and utility costs including cooling, except actual utility expenses, for example, installation fees etc. FAP groups that qualify for the h/u standard do not receive any other individual utility standards. FAP groups whose heat is included in their rent may still qualify for the h/u standard. Some additional ways include but are not limited to, receipt of the Home Heating Credit (HHC) or a Low Income Home Energy Assistance Payment (LIHEAP). The amount of either payment must be greater than \$20 in the month of application or in the immediately preceding 12 months prior to the application month. BEM 554, pp. 17-18. FAP groups who pay for cooling (including room air conditioners) are eligible for the h/u standard if, they have the responsibility to pay for non-heat electric. BEM 554 pp. 18-19. FAP groups not eligible for the h/u standard who have other utility expenses or contribute to the cost of other utility expenses are eligible for the individual utility standards. Use the individual standard for each utility the FAP group has responsibility to pay. BEM 554 p. 22.

In this case, Petitioner submitted a Six Month Review for her FAP case on February 14, 2025. Petitioner reported that her household's monthly income had changed by more than \$125.00 since the last reported change. Petitioner included two pay stubs that show she is paid weekly, pay dates January 10, 2025 and January 31, 2025. (Exhibit A, pp. 14-15 and 23-25).

On March 10, 2025, an Employment Verification form was issued to Petitioner requesting proof of income from Elite Medical Staffing with a due date of March 20, 2025. (Exhibit A, pp. 20-22).

On March 17, 2025, the Employment Verification form was received listing pay dates of January 17, 2025, January 31, 2025, February 14, 2025, and February 21, 2025. The form was signed as being completed by Ashley Cook on March 14, 2025. Pay stubs were also submitted for pay dates of January 17, 2025, January 31, 2025, February 14, 2025, and February 28, 2025. (Exhibit A, pp. 16-22). Accordingly, there was a discrepancy between the pay dates listed on the Employment Verification form, the included pay stubs submitted with the form, and the pay stubs submitted by Petitioner with the Six Month Review. Specifically: Petitioner submitted a pay stub for January 10, 2025, which was not listed on the Employment Verification form; the

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Employment Verification form listed a pay date of February 21, 2025 but no pay stub was provided for that date; and the pay dates listed on the Employment Verification form did not include February 28, 2025, even though a pay stub was submitted for that date.

Accordingly, on March 17, 2025, the Department properly contacted [REDACTED] for clarification. The Department was told that [REDACTED] had not worked for the company since August. [REDACTED] verified that pay is weekly and verified the payments made to Petitioner on January 10, 2025, January 17, 2025, January 24, 2025, January 31, 2025, and February 7, 2025. (Exhibit A, p. 1; ES Testimony).

The Department properly processed the Six Month Review and updated Petitioner's income based on the verified current income. On March 17, 2024, a Notice of Case Action was issued to Petitioner stating that FAP benefits were approved in the amount of \$165.00 per month effective April 1, 2025 based on the current income and expenses. (Exhibit A, pp. 6-12).

Petitioner noted that this was her third hearing in the last 6-8 months. Petitioner indicated that her case is being reviewed and documentation is being requested very frequently. (Petitioner Testimony). If prior hearing decisions resulted in orders for the Department to redetermine FAP eligibility, updated verifications may have been needed to complete those redeterminations.

Further, Petitioner testified that the hours she works varies. Petitioner is in nursing school and picks up shifts based on availability and location. Petitioner indicated that the income the Department most recently verified for the March 17, 2024 determination was unusually high because she was able to work more during a school break. (Petitioner Testimony).

Overall, the March 17, 2024 FAP determination was in accordance with Department policy based on the verified current income at that time. As discussed, if that is not representative of Petitioner's ongoing income, once that change was reported to the Department there would be a need to obtain current verification. Petitioner indicated that the Department had already sent her another verification request. (Petitioner Testimony).

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 eligibility for FAP.

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

Colleen Lack

**COLLEEN LACK
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:

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Interested Parties
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Via First Class Mail:

Petitioner

