

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 15-009248  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: July 30, 2015  
County: Saginaw

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

Following Claimant'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. After due notice, telephone hearing was held on July 30, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department included [REDACTED] as hearing facilitator.

**ISSUE**

Did the Department of Health and Human Services (Department) properly determine the Claimant's Food Assistance Program (FAP) eligibility?

**FINDINGS OF FACT**

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

1. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
2. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED].
3. On June 5, 2015, the Department notified the Claimant that his monthly allotment of Food Assistance Program (FAP) benefits would be reduced to \$ [REDACTED].
4. On June 18, 2015, the Department received the Claimant's request for a hearing protesting the amount of Food Assistance Program (FAP) benefits he is receiving.

**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.

For all Food Assistance Program (FAP) groups that received the heat and utility standard on or before February 7, 2014, the heat and utility standard will remain in place for a period of five months after the month of their first redetermination or first reported case change occurring on or after May 1, 2014. In order to continue receiving the heat and utility standard beyond the expiration of the five month period, the Food Assistance Program (FAP) group must meet the requirements of the mandatory heat and utility standard section. Department of Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2014), p 15.

The Department will consider only the medical expenses of SDV persons in the eligible group. BEM 554, p 8.

The Department is required to verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, the Department will remove the old expense until the new expense is verified. BEM 554, p 14.

The Claimant is an ongoing FAP recipient as a group of one and the Department considers him to be a senior, disabled, or veteran (SDV) group. The Claimant receives Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$■■■■. The Claimant's adjusted gross income of \$■■■■ was determined by reducing his total monthly income by the \$■■■■ standard deduction. The Department has no record of verified deductions that the Claimant is eligible to apply towards his gross monthly income. Therefore his net income is the same as his adjusted gross income.

A group of one with a net income of \$■■■■ is entitled to a \$■■■■ monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (December 1, 2014).

In the past, the Claimant was not receiving any income at all and was also receiving the standard heat and utility deduction. As a result, there was no need for the Claimant to provide verification of his monthly housing expenses or his monthly medical expenses in order to remain eligible for the maximum amount of FAP benefits a group of one is permitted to receive.


However, in 2014, the Department changed its policy regarding the heat and utility deduction. All FAP recipients are now required to verify that they have an actual monthly heating or cooling obligation separate from their rent or non-heat electric obligations. Prior to this, all FAP recipients received the standard deduction regardless

of their actual obligations. Furthermore, although the Claimant is eligible for a deduction for medical expenses as a SDV recipient, Department policy requires that he provide verification of these expenses. Any medical expenses that are not found to be ongoing, such as a monthly health insurance premium, must be verified each month as required by BEM 554.

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 the Claimant's eligibility for the Food Assistance Program (FAP).

**DECISION AND ORDER**

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

  
\_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **8/5/2015**

Date Mailed: **8/5/2015**

KS/las

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;

- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

cc:

