



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

MIKE ZIMMER  
DIRECTOR



Date Mailed: March 11, 2016  
MAHS Docket No.: 16-001171  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Susanne E. Harris

**HEARING DECISION**

Following the 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 telephone hearing was held on March 9, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Assistance Payments Worker, [REDACTED].

The following exhibits were offered:

Petitioner: Various departmental documents and computer print outs regarding the Petitioner's case, all subsequent to December 8, 2015. As such, this Administrative Law Judge determined that they were irrelevant to the instant issue in these documents were excluded from the record.

Department: Likewise, the Department submitted various departmental documents which were repetitious of those which had been admitted into evidence and some were irrelevant as not pertaining to the instant action. Those documents have been marked and excluded from the record as well. The below listed exhibits were admitted into evidence:

- A- December 8, 2015, Benefit Notice.
- B-December 8, 2015, email correspondence.
- C- DHS-38, Verification of Employment.
- D-December 4, 2015, employment verification.
- E-January 1, 2016, FAP budget.

## **ISSUE**

Did the Department properly determine the Petitioner's eligibility for 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. The Petitioner was an ongoing recipient of FAP benefits in the monthly amount of \$ [REDACTED]
2. On October 16, 2015, the Petitioner submitted paycheck stubs from one of her substitute teaching jobs. The Department verified the Petitioner's income from her other substitute teaching job via the Work Number. The Petitioner's income was properly calculated to be \$ [REDACTED]
3. On December 8, 2015 the Department sent the Petitioner a DHS 176, Benefit Notice informing the Petitioner that her monthly FAP allotment was reduced to \$ [REDACTED]
4. On January 28, 2016, the Department received the Petitioner's written hearing request protesting the reduction in her monthly FAP benefits.

## **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.

Bridges Eligibility Manual (BEM) 505 (2015) provides that a group benefits for a month are based, in part, on a perspective income determination. The Department's worker is to get input from the Petitioner whenever possible to establish this best estimate amount. Only countable income is included in the determination. In this case, the Petitioner testified that she has fluctuating income and this testimony was supported by the employment verification in the record.

The Petitioner did not contest the amount used as income in her FAP budget. Indeed, the Petitioner did not contest any specific action regarding the January 1, 2016

reduction in her FAP. The Petitioner was protesting a subsequent action and complained about the requirement that she report changes in her income. The Petitioner testified that her income changes frequently. The Department's worker testified that she promptly budgets all income changes when they are reported. Ultimately, if the Petitioner is protesting an action subsequent to the action she requested a hearing for, the Petitioner would need to request a new hearing on the subsequent action. As the Department's actions are essentially not contested, the Department meets its burden of proving that it acting in accordance with its policy when taking action to reduce the Petitioner's FAP benefits.

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 took action to reduce the Petitioner's FAP benefits.

**DECISION AND ORDER**

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



SH/nr

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Susanne E. Harris  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]