



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 17, 2016
MAHS Docket No.: 16-001656
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 telephone hearing was held on March 15, 2016, from Lansing, Michigan. The Petitioner represented himself, and his brother, [REDACTED], appeared with him. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor [REDACTED], and Assistance Payments Worker [REDACTED].

ISSUE

Did the Department properly determine 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 applied for FAP on January 7, 2016.
2. Petitioner's only income is \$ [REDACTED] in [REDACTED] ([REDACTED]) each month.
3. Petitioner lives with his two brothers and they share the utility costs equally between them.

4. Petitioner does not pay rent for the home, but he works around the house as a way of compensating his brother.
5. In a Notice of Case Action (NCA) dated January 19, 2016 (Exhibit 1 Pages 46-49) the Department informed Petitioner that he was awarded FAP of \$ [REDACTED] per month effective January 7, 2016.
6. In the FAP budget (Exhibit 1 Page 47) included in the FAP, the Department did not allocate any amount for utilities, other than \$ [REDACTED] for the telephone standard.
7. On February 8, 2016 Petitioner called the Department and asked about the heat and electric standard.
8. Petitioner requested a hearing on February 10, 2016.
9. The Department prepared a manual budget (Exhibit 1 Page 54) that included the heat and utility standard of \$ [REDACTED], and his FAP budget once again provided him with \$ [REDACTED] in monthly benefits (Exhibit 1 Page 59).

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.

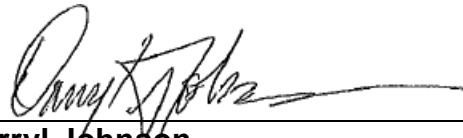
In this case, Petitioner believed that his income of \$ [REDACTED] in [REDACTED] would be reduced by the \$ [REDACTED] heat and utility (h/u) standard on a dollar-for-dollar basis. During the hearing the calculations were explained to him, including the fact that the h/u standard makes up part of a lengthy formula when calculating his FAP, but it is not a direct reduction on a dollar-for-dollar basis. At the conclusion, Petitioner indicated he now understood the action the Department took.

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 FAP award.

DECISION AND ORDER

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

DJ/mc



Darryl Johnson
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]

Petitioner

[REDACTED]