



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 3, 2016
MAHS Docket No.: 16-000456

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 February 24, 2016, from Lansing, Michigan. The Petitioner personally appeared and testified. The Department of Health and Human Services (Department) was represented by General Programs Manager [REDACTED] and Assistance Payment Worker [REDACTED]

ISSUE

Did the Department properly decrease Petitioner's Food Assistance Program (FAP) benefits to [REDACTED] a month?

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 January 5, 2016, the Department mailed Petitioner a Notice of Case Action informing her that her FAP benefits were decreasing to [REDACTED] a month beginning February 1, 2016. (Dept. Exh. A, pp 5-9).
2. Petitioner submitted a hearing request on January 11, 2016 contesting the decrease. (Dept. Exh. A, p 2).

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 FAP purposes, all income that is not specifically excluded is countable. BEM 500, p 3 (1/1/2016). Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. BEM 500, p 4. Unearned income is all income that is not earned. *Id.*

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505.

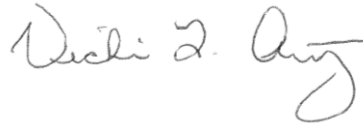
Petitioner was receiving monthly unearned income of unemployment benefits in the amount [REDACTED] at the time relevant to this matter. A standard deduction of [REDACTED] was subtracted leaving an adjusted gross income of [REDACTED] [REDACTED] [REDACTED]

Federal regulations at 7 CF 273.10 provide standards for income and the amount of household benefits. In accordance with the federal regulations, the Department has prepared income and issuance tables which can be found at RFT 260. This issuance table provides that a household size of one with net income of [REDACTED] is entitled to a [REDACTED] FAP allotment. Therefore, the Department's FAP eligibility determination was correct based on Petitioner's receipt of unemployment benefits.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it decreased Petitioner's FAP benefits to [REDACTED] a month.

DECISION AND ORDER

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



VA/db

Vicki L. Armstrong
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

██████

██████████
████████████████████ ██████████
████████████████████

██████████

██████████
████████████████████
████████████████████