



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 23, 2016
MAHS Docket No.: 16-007023
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 June 22, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf, along with her brother, [REDACTED]. The Department of Health and Human Services (Department) was represented by Lead Worker [REDACTED].

ISSUE

Did the Department properly reduce 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 in September 2015.
2. On October 1, 2015, the Department conducted a phone interview with Petitioner and discovered that she pays no rent, but she pays ½ of the heat and electric bills at the home where she lives.
3. Petitioner provided documentation from third parties to confirm her obligation to pay utilities, and the amount of the utilities.

4. The Department put an end date for her rent into the Bridges system, but the system did not recognize the end date and continued providing benefits to her based upon the incorrect excess shelter deduction amount of \$ [REDACTED] per month (which included \$200 per month for rent) instead of the correct excess shelter deduction amount of \$ [REDACTED]. See Exhibit 1 Pages 27 and 30.
5. When the Department did an update, it changed Petitioner's FAP award.
6. Because of the reduction in the shelter deduction, Petitioner's FAP was reduced from \$ [REDACTED] per month to \$ [REDACTED] per month (Pages 31-34) effective May 1, 2016.
7. On May 25, 2016, the Department received Petitioner's hearing request, protesting the FAP reduction.

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.

The Department based its FAP award on income and expenses that Petitioner verified. She receives unearned income of \$ [REDACTED] per month. She pays utilities and thus receives the heat and utility standard, but because she does not pay rent the Department had to remove the \$200 housing expense that was previously included in the budget.

The Department is constrained to establishing budgets based upon the information that is available to the Department regarding a client's income and expenses.

FAP allotments are provided based upon group size, income, and various expenses along with certain deductions. It is a formulaic method of determining an allotment. The burden is on the Department to prove that it acted according to policy. However, when the budget facts are undisputed, and when the formula is followed, there is no evidence that the Department erred.

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 allotment.

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]