



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 18, 2016
MAHS Docket No.: 16-008322
Agency No.: [REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 July 14, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly process the Petitioner's Food Assistance Program (FAP) application based on his earned and unearned income?

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 a recipient of FAP benefits.
2. On March 18, 2016, the Petitioner filed a SER application where she admitted that she had started a job at [REDACTED] making [REDACTED] an hour for [REDACTED] hours a week.
3. On March 22, 2016, the Department sent the Petitioner a notice that her FAP case was pended to close due to excess income for FAP benefits effective May 1, 2016. Petitioner Exhibit 1, pgs. a-c.

4. On April 4, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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, the Petitioner was a recipient of FAP benefits. On March 18, 2016, the Petitioner filed a SER application where she admitted that she had started a job at [REDACTED] making [REDACTED] an hour for [REDACTED] hours a week. On March 22, 2016, the Department sent the Petitioner a notice that her FAP case was pended to close due to excess income for FAP benefits effective May 1, 2016. Petitioner Exhibit 1, pgs. a-c. On April 4, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BEM 503.

As a result of excess income, the Petitioner had excess income for FAP benefits. The Petitioner had earned income of [REDACTED] and unearned income of [REDACTED] from her children's Social Security RSDI from their disabled father. After deductions from her gross income of [REDACTED] of [REDACTED] earned income deduction and a [REDACTED] standard deduction for an adjusted gross income of [REDACTED]. The Petitioner had a net income of [REDACTED], which exceeded the Net Income Limit of [REDACTED] for a group size of 3. Department Exhibit 1, pgs. 3-4.

During the hearing, the Petitioner stated that she does not receive any of the children's RSDI that their father, her ex-husband receives it, but he does not share any of it with her. She shouldn't have the income counted against her FAP when she does not receive any amount from her ex-husband. However, Department's policy requires that the children's income be counted as part of the Petitioner's FAP since they are a member of her household group. Department Exhibit 1, pgs. 11-12. 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 properly budgeted the Petitioner's children's RSDI income and the Petitioner's earned income to determine that the Petitioner had excess income for FAP benefits.

DECISION AND ORDER

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

Carmen G. Fahie

Carmen G. Fahie
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

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