



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: July 22, 2016
MAHS Docket No.: 16-008383
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 20, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] AP Supervisor and [REDACTED] ES. Department Exhibit 1, pp.1-42 were received and admitted.

ISSUE

Did the Department properly determine Petitioner's 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 was a recipient of Food Assistance Program benefits.
2. On February 8, 2016, Petitioner submitted a mid-certification notice indicating a change in her rental obligation.
3. On February 29, 2016, a Verification Checklist was sent to Petitioner with a March 10, 2016 due date requesting verification of rental obligation change.

4. Verifications were not received and Petitioner's shelter expense was removed from the budget resulting with a reduction on FAP benefits to \$ [REDACTED] per month effective April 1, 2016.
5. On April 15, 2016, Petitioner submitted new shelter obligation information from the Kent County Housing Commission.
6. Petitioner's FAP benefits were increased to \$ [REDACTED] per month effective May 1, 2016.
7. Following a program wide reduction in the standard deduction on June 7, 2016, Petitioner's FAP benefits were reduced to \$ [REDACTED] per month effective July 1, 2016.
8. On June 13, 2016, Petitioner requested hearing disputing the determination of her FAP benefits.
9. A pre-hearing conference was held on June 27, 2016, and it was discovered that Petitioner received the home heating credit in March 2016 and thus was entitled to the full heat and utility credit.
10. Petitioner's FAP benefits were increased to \$ [REDACTED] per month effective July 1, 2016.
11. Petitioner testified at hearing that she was satisfied with the determination of her FAP benefits from July 1, 2016, going forward but she disputed the determination of FAP benefits for April, May and June 2016.

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 was dissatisfied with the Department determination of her FAP benefits for the months of April, May and June 2016. In February 2016, Petitioner submitted a mid-certification notice stating that her rental obligation had changed. A verification checklist was sent to Petitioner on February 29, 2016 requesting verification of rental obligation. Petitioner failed to respond to this request. As a result Petitioner's rental obligation was removed from her budget reducing her FAP benefits to \$ [REDACTED] per month. On April 15, 2016, Petitioner submitted verification of her rental obligation with

the Kent County Housing Commission. This rental obligation was budgeted and resulted with an increase in FAP benefits to \$█ per month effective May 1, 2016. Following a program wide reduction in the standard deduction amount, Petitioner's FAP benefits were reduced to \$█ per month. At the pre-hearing conference held of June 27, 2016, it was discovered that Petitioner was entitled to the full heat and utility standard due to her receipt of the Home Heating credit. Once this deduction was budgeted Petitioner's FAP benefits were increased to \$█ per month effective July 1, 2016.

Petitioner disputed whether she received the verification checklist sent on February 29, 2016. The Department provided proof that the verification checklist was sent to Petitioner at her last known address. Petitioner also questioned why the Department would not have been aware of what her rental obligation was because it did not change substantially. Department policy requires verification of rental obligation and when Petitioner failed to provide it, removing the rental obligation from the budget was proper and correct. Petitioner also questioned why the Department was not aware, prior to the pre-hearing conference, of her receipt of the home heating credit. The Department credibly explained that names of individuals who receive the home heating credit were not provided to them as a matter of course.

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 benefits.

DECISION AND ORDER

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

AM/las



Aaron McClintic

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]

Petitioner

[REDACTED]