



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 29, 2016
MAHS Docket No.: 16-008804
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 July 27, 2016, from Lansing, Michigan. The Petitioner appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Hearings Facilitator [REDACTED].

ISSUE

Did the Department properly reduce Petitioner's Food Assistance Program (FAP)?

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 an on-going FAP recipient.
2. On May 10, 2016, the Department mailed to Petitioner a Redetermination (Exhibit 1 Pages 3-8) that he had to complete and return by June 1, 2016.
3. When he returned the Redetermination, Petitioner reported that his rent was \$ [REDACTED] per month (Page 6) which was an increase from \$ [REDACTED] (Page 8) with his new lease in April.

4. Petitioner provided a copy of a Lease Renewal notice (Page 11) dated February 16, 2016, which said that his rent was increasing to \$ [REDACTED] per month, plus \$ [REDACTED] for rent insurance.
5. Petitioner receives \$ [REDACTED] per month from the Social Security Administration, less \$ [REDACTED] that is being withheld to pay a child support garnishment (Page 13).
6. In a Notice of Case Action (Pages 25-29) dated June 13, 2016, the Department notified Petitioner that his FAP was decreasing to \$ [REDACTED] per month beginning July 1, 2016, based upon rent of \$ [REDACTED] per month.
7. On June 23, 2016, Petitioner protested the reduction in his FAP, contending his rent insurance should be counted as a housing expense.

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 believes his renter's insurance should be counted as a housing expense, since it is something he is required to pay with his rent.

BEM 554 (6/1/16) p. 13 is specific when it comes to allowable shelter expenses in budgeting for FAP. "Renter's insurance is **not** allowed." (Emphasis in original.)

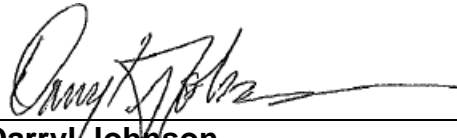
Petitioner did not contend any of the income or expenses used by the Department in determining his FAP. He questioned why the Department could not count as a medical expense the \$ [REDACTED] he has to pay for transportation to and from doctor appointments. In the Redetermination, Section 12 (Page 6), he was asked to list household expenses, and nowhere did he list transportation expenses. Petitioner and the Department are referred to BEM 554 (6/1/16) p. 9-10, which lists the allowable expenses for FAP budgeting. One of the expenses is: "Actual costs of transportation and lodging necessary to secure medical treatment or services. If actual costs cannot be determined for transportation, allow the cents-per-mile amount at the standard mileage rate for a privately owned vehicle in lieu of an available state vehicle." Petitioner might find it helpful to document his transportation costs for his appointments.

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]