



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 27, 2016
MAHS Docket No.: 16-009516
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 3-way telephone hearing was held on September 21, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED] manager. [REDACTED], specialist appeared on behalf of MDHHS, via telephone.

ISSUE

The issue is whether MDHHS properly decreased Petitioner's Food Assistance Program (FAP) eligibility.

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 ongoing FAP benefit recipient.
2. Petitioner was a member of a 1-person FAP benefit group.
3. MDHHS issued [REDACTED] in FAP benefits to Petitioner for June 2016.
4. On [REDACTED], MDHHS determined Petitioner was eligible to receive [REDACTED] in FAP benefits for July 2016.

5. On [REDACTED], Petitioner requested a hearing to dispute the [REDACTED] decrease in FAP benefits.

CONCLUSIONS OF LAW

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a decrease from June 2016 to July 2016. Typically, disputes concerning a reduction of FAP eligibility require only an analysis of the determination of the reduced month of benefits. In the present case, such a course is needlessly convoluted, as an analysis would require consideration of disputed medical expenses, disputed housing expenses, and a previously-issued administrative hearing decision affecting Petitioner's FAP eligibility from 2015.

Petitioner testimony conceded she only disputed an inexplicable reduction to her FAP eligibility. In the interest of simplicity, the analysis will focus on whether a decrease was proper based on a comparison of FAP budgets.

MDHHS presented FAP budgets from June 2016 (Exhibit 1, pp. 4-5) and July 2016 (Exhibit 1, pp. 3-4); a budget summary (Exhibit 1, p. 2) supplemented the July budget. Presented budgets verified that there was no difference in group size, income, or expenses. The only difference between June and July 2016 FAP budget factors was a reduction in standard deduction.

A standard deduction is known to be a deduction given to all FAP recipients. The amount is determined by the size of the FAP benefit group. The standard deduction for a 1-person FAP benefit group as of June 2016 was [REDACTED] (see RFT (October 2015), p. 1). The standard deduction for a 1-person FAP benefit group as of July 2016 was [REDACTED] (see RFT (July 2016), p. 1).

The presented Notice of Case Action (Exhibit 1, pp. 1-2) indicated the reduction was caused by a change in shelter deduction and/or income. The language was misleading because no change occurred to Petitioner's income or shelter expenses. Presumably, MDHHS intended the statement to refer to the "excess shelter deduction"- a deduction which is calculated based on multiple factors, including a standard deduction.

Though the MDHHS notice was less than ideal, presented evidence sufficiently verified that MDHHS justified a reduction in Petitioner's FAP eligibility based on the a standard

deduction reduction which was implemented statewide. Accordingly, it is found MDHHS properly decreased Petitioner's FAP eligibility in July 2016.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly reduced Petitioner's FAP eligibility for July 2016 due to a decrease in the standard deduction. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



Christian Gardocki
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]