



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: September 1, 2016
MAHS Docket No.: 16-010296
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 August 24, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for FAP benefits following her [REDACTED] application?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], Petitioner submitted a new application for FAP benefits.
2. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified her that she had been approved for FAP benefits in the amount of [REDACTED] from [REDACTED] through [REDACTED] and [REDACTED] from [REDACTED] through [REDACTED].
3. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified her that she had been approved for FAP benefits in the amount of [REDACTED] from [REDACTED].

4. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified her that she had been approved for FAP benefits in the amount of [REDACTED] from [REDACTED].
5. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified her that she had been approved for FAP benefits in the amount of [REDACTED] from [REDACTED].
6. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.

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.

Additionally, the Department is required to periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 (October 2015), p. 1. In this case, the Department sent Petitioner four Notices of Case Action following her [REDACTED] application for FAP benefits. The Department explained that the [REDACTED] Notice of Case Action included a [REDACTED] shelter expense that Petitioner was not paying. As a result, it issued the [REDACTED] Notice of Case Action. The Department explained that the [REDACTED] Notice of Case Action did not include the heat and utility standard to which Petitioner was entitled. As such, it issued the [REDACTED] Notice of Case Action. The Department further explained that in mid-June the policy regarding standard deductions was updated and resulted in a one dollar decrease in FAP benefits. Accordingly, it sent Petitioner a Notice of Case Action which notified her that she was eligible for FAP benefits in the amount of [REDACTED].

Petitioner confirmed that she receives [REDACTED] in unearned income and pays approximately [REDACTED] in taxes each month. The Department presented a FAP net income budget showing that Petitioner had a countable earned income of [REDACTED]. Based on a group size of one, Petitioner was eligible to receive a standard deduction of [REDACTED] RFT 255 (July 2016), p. 1. Petitioner pays heat and electric and is therefore entitled to a heat and utility standard of [REDACTED]. RFT 255, p. 1.

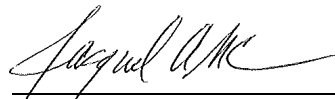
Based upon Petitioner's shelter expenses, she is eligible for a shelter expense of [REDACTED]. When the standard deduction and the shelter deduction are subtracted from Petitioner's income, her net income amount is [REDACTED]. Accordingly, given the information available to the Department at the time the [REDACTED] application was submitted and based upon a net income of [REDACTED], it properly determined that Claimant was entitled to a FAP benefit amount of [REDACTED] per month. RFT 260 (October 2015), p. 9.

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 decreased Petitioner's FAP benefits to [REDACTED] per month effective [REDACTED].

DECISION AND ORDER

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

JM/hw



Jacquelyn A. McClinton

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]