



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: October 27, 2016  
MAHS Docket No.: 16-014177  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

### **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 October 26, 2016, from Lansing, Michigan. Petitioner appeared and testified. The Department was represented by Assistance Payments Supervisor [REDACTED] and Assistance Payments Worker [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1-25 was admitted into evidence.

### **ISSUE**

Did the Department determine the proper amount of Petitioner's Food Assistance Program (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 an ongoing recipient of \$ [REDACTED] per month of Food Assistance Program (FAP) benefits.
2. On June 24, 2016, Petitioner was sent a Notice of Case Action (DHHS-1605) which stated his Food Assistance Program (FAP) benefit for the month of July 2016 would be \$ [REDACTED] due to a one time medical expense.
3. On August 1, 2016, Petitioner's Food Assistance Program (FAP) benefit returned to \$ [REDACTED] per month. Petitioner receives \$ [REDACTED] per month of Social Security disability benefits. Petitioner's Medicare Part B premium is paid by the State of Michigan.

Petitioner pays \$ [REDACTED] per month rent and the payment includes heating and cooling, water and sewer, cooking fuel, and trash removal.

4. On September 20, 2016, Petitioner submitted a hearing request about the amount of his Food Assistance Program (FAP) benefit.

### **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.

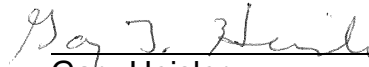
During this hearing Petitioner's income and expenses used in determining his Food Assistance Program (FAP) eligibility were verified. Petitioner receives \$ [REDACTED] per month of Social Security disability benefits. Petitioner's Medicare Part B premium is paid by the State of Michigan. Petitioner pays \$ [REDACTED] per month rent and the payment includes heating and cooling, water and sewer, cooking fuel, and trash removal. Petitioner's Food Assistance Program (FAP) budget was reviewed and shows: his income is correctly included; he receives the correct standard deduction; his rent is correctly included; he is correctly allowed the non-heat electric and telephone utility standards. The Department has properly computed Petitioner's net income as \$ [REDACTED]. The federal regulations at 7 CFR 273.10 provide standards for the amount of a household's benefits. In compliance with the federal regulations, the Department has prepared income limit and issuance tables which are set forth at Program Reference Manual, Table 250 and Table 260. The tables provide that a household of 1 with \$ [REDACTED] of net income is eligible for a Food Assistance Program (FAP) allotment of \$ [REDACTED].

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 and determined the proper amount of Petitioner's Food Assistance Program (FAP) benefits.

**DECISION AND ORDER**

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

GH/nr



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Gary Heisler  
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]