



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: November 22, 2016
MAHS Docket No.: 16-015589
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on November 17, 2016, from Lansing, Michigan. The Petitioner represented himself. The Department was represented by [REDACTED] (Hearing Facilitator) and [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's current eligibility for 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 is an ongoing Food Assistance Program (FAP) recipient as a group of one. Exhibit A, p 8.
2. On September 23, 2016, the Department received Petitioner's application for Food Assistance Program (FAP) and Medical Assistance (MA) benefits. Exhibit A, p 11.
3. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED] Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED] and State Supplemental Security Income (SSP) in the gross monthly amount of \$ [REDACTED] Exhibit A, p 14-16.

4. Petitioner has a monthly housing obligation in the monthly amount of \$ [REDACTED] which includes utilities. Exhibit A, p 13.
5. On September 28, 2016, the Department notified Petitioner that it would decrease his monthly allotment of Food Assistance Program (FAP) benefits to \$ [REDACTED] effective November 1, 2016. Exhibit A, p 35.
6. On October 17, 2016, the Department received Petitioner's request for a hearing protesting the amount of his current Food Assistance Program (FAP) benefits. Exhibit A, p 36-37.

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.

For all Food Assistance Program (FAP) groups that received the heat and utility standard on or before February 7, 2014, the heat and utility standard will remain in place for a period of five months after the month of their first redetermination or first reported case change occurring on or after May 1, 2014. In order to continue receiving the heat and utility standard beyond the expiration of the five month period, the Food Assistance Program (FAP) group must meet the requirements of the mandatory heat and utility standard section. Department of Human Services Bridges Eligibility Manual (BEM) 554 (June 1, 2016), p 15.

Petitioner is an ongoing FAP recipient and on September 23, 2016, the Department initiated a review of his eligibility to receive ongoing benefits based on the information contained in an application submitted by the Petitioner. Petitioner received unearned income in the gross monthly amount of \$ [REDACTED] which consists of his RSDI, SSI, and SSP benefits. Petitioner did not dispute the Department's determination of his countable income during the hearing. Petitioner's adjusted gross income of \$ [REDACTED] was determined by reducing his total monthly income by the \$ [REDACTED] standard deduction. Petitioner is entitled to a \$ [REDACTED] monthly shelter deduction, which consists of his \$ [REDACTED] housing expense reduced by 50% of his adjusted gross income. Petitioner is not entitled to a deduction for utilities because these expenses are already included in his housing expenses and he is not entitled to receive credit for this expense twice.

Petitioner's net income of \$ [REDACTED] was determined by reducing his adjusted gross income by his monthly shelter expenses of \$ [REDACTED]. Petitioner is entitled to a \$ [REDACTED] monthly allotment of FAP benefits, which was determined by reducing the maximum benefit available for a group of one by 30% of his net income.

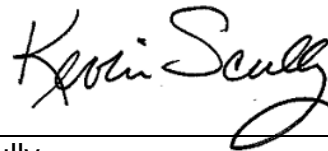
Petitioner argued that he should be entitled to the standard heat and utility deduction. Previously, all FAP recipients received this deduction regardless of their actual expenses, but a change of policy in 2014, requires the Department to remove this deduction unless the FAP recipient meets the criteria of BEM 554.

Petitioner does not dispute that his housing expense includes utilities. Petitioner testified that he has applied for the Home Heat Credit, but failed to report this to the Department on the September 23, 2016, application for benefits. Petitioner's application for benefits indicates that he does not receive this credit.

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 current level of Food Assistance Program (FAP) benefits.

DECISION AND ORDER

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



KS/nr

Kevin Scully
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]