



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: December 12, 2016
MAHS Docket No.: 16-012728
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 December 7, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf, along with her son and caretaker, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor [REDACTED] [REDACTED] and Eligibility Specialist [REDACTED] [REDACTED].

A hearing was previously scheduled for October 5, 2016. Petitioner did not appear, and her appeal was dismissed in an order dated October 6, 2016. Petitioner requested that the dismissal be vacated, and her request was granted in an order dated November 21, 2016.

ISSUE

Did the Department properly reduce 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 on-going FAP recipient.

2. Petitioner submitted a Redetermination on August 9, 2016, (Exhibit 1 Pages 13-16) and reported that she had medical expenses but she did not provide any documentation of those medical expenses.
3. Petitioner had been receiving \$ [REDACTED] per month in FAP (Page 6-8) through August 31, 2016, based upon unearned income of \$ [REDACTED] medical expenses of \$ [REDACTED] per month, and housing expenses of \$ [REDACTED] plus a \$ [REDACTED] heat and utility standard.
4. Documentation received by the Department (Pages 19 and 20) confirms that her rent was \$ [REDACTED] in December 2015, and had been reduced to \$ [REDACTED] by February 1, 2016.
5. In a Notice of Case Action dated August 15, 2016, (Pages 9-12) the Department reduced her FAP to \$ [REDACTED] per month, based upon unearned income of \$ [REDACTED] medical expenses of \$ [REDACTED] housing costs of \$ [REDACTED] and a \$ [REDACTED] heat and utility standard.
6. On September 1, 2016, the Department received Petitioner's hearing request, protesting the FAP reduction.

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).

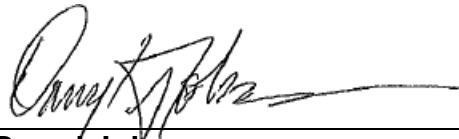
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) 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 argued during the hearing that the Department was not counting in her FAP budget items that she considered medical expenses. There were no such expenses that were documented at the time she submitted the Redetermination. There were no such expenses that were submitted as proposed exhibits. Because she had not provided the documents to the Department before it completed the Redetermination, there were no additional medical expenses that could be used in the FAP budget.

DECISION AND ORDER

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 reduced Petitioner's FAP.

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]