



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 2, 2016
MAHS Docket No.: 16-013698
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 1, 2016, from Lansing, Michigan. The Petitioner was represented by attorney [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor [REDACTED] [REDACTED] Eligibility Specialist [REDACTED] [REDACTED] and Assistant Attorney General [REDACTED] [REDACTED].

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. In July 2016, she was awarded \$ [REDACTED] in FAP, based upon a budget that included \$ [REDACTED] in medical expenses. (Exhibit 1 Page 28.)
3. As of August 1, 2016, the Department reduced her FAP to \$ [REDACTED] per month after it reduced her medical deduction to \$ [REDACTED].

4. On September 28, 2016, the Department received Petitioner's hearing request, protesting the reduction of her FAP.

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.

The reduction in the FAP was based upon a reduction in medical expenses. The formula for "Computing the Food Assistance Budget" is found in BEM 556 (7/1/13). As stated on p. 4 of BEM 556, a deduction is allowed for medical expenses. Necessarily, if medical expenses decrease, the deduction will decrease, and if the deduction decreases, the FAP allotment will decrease.

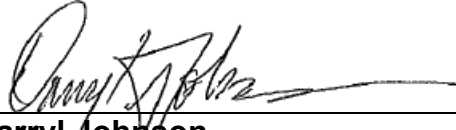
Petitioner did not contest the amounts used for her income and her allowable expenses in the budget. Her position was that the reduction in her FAP was abrupt, occurred with little to no advance notice, and was unaffordable. Those are not issues that can be considered in determining whether the Department properly applied the policy. The Department is constrained by the policy as written, and the FAP award is just a matter of doing math. The evidence shows that the Department properly calculated her net income to be \$ [REDACTED] and that corresponds to an award of \$ [REDACTED] in FAP for a group of one. RFT 260 (10/1/16) p. 8. The net income increased when her documented medical expenses decreased, and consequently her FAP award decreased.

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

Counsel for Respondent

[REDACTED]

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]

Counsel for Petitioner

[REDACTED]