



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: April 29, 2016
MAHS Docket No.: 16-004011
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 April 27, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included [REDACTED] and [REDACTED]. [REDACTED] (Hearing Facilitator) represented the Department of Health and Human Services (Department).

ISSUE

Did the Department of Health and Human Services (Department) properly determine the Petitioner's eligibility for the Food Assistance Program (FAP)?

FINDINGS OF FACT

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

1. The Petitioner is an ongoing Food Assistance Program (FAP) recipient as a group of one. Exhibit A, p 1.
2. The Petitioner is an ongoing Medical Assistance (MA) recipient. Exhibit A, pp 3 – 4.
3. The Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED] and monthly State Supplemental Security Income (SSP) in the gross monthly amount of \$ [REDACTED]. Exhibit A, pp 5 – 7.
4. The Petitioner is responsible for monthly housing expenses of \$ [REDACTED] and is responsible for telephone service. Exhibit A, p 11.

5. The Respondent received a monthly allotment of Food Assistance Program (FAP) benefits in the amount of \$ [REDACTED] for January 2016, \$ [REDACTED] for February 2016, \$ [REDACTED] for March 2016, and \$ [REDACTED] for April 2016.
6. On March 24, 2016, the Department received the Petitioner's request for a hearing protesting the level of Food Assistance Program (FAP) benefits he is receiving. Exhibit A, p 2.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The Department presented evidence that the Petitioner is an ongoing recipient of MA benefit and that there has been no loss of benefits, which was not disputed by the Petitioner during the hearing.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (January 1, 2016).

The Petitioner is an ongoing FAP recipient. The Petitioner is an ongoing SSI and SSP recipient, and these are his only source of income. The \$ [REDACTED] monthly SSP benefit was determined by dividing his quarterly payments by three months. The Petitioner's SSI

case has been under review by the Social Security Administration and the amount reported to the Department through its electronic database has varied.

A FAP benefit group of one with a total monthly income of \$ [REDACTED] is entitled to a \$ [REDACTED] standard deduction leaving a \$ [REDACTED] adjusted gross income. FAP recipients are entitled to a deduction for shelter expenses. The Petitioner has monthly housing expenses of \$ [REDACTED] which includes heat and utilities, and he is entitled to the standard \$ [REDACTED] deduction because he is responsible for telephone service. These shelter expenses are reduced by 50% of the adjusted gross income.

Reducing an adjusted gross income of \$ [REDACTED] by a \$ [REDACTED] excess shelter deduction leaves a net income of \$ [REDACTED]. A group of one with a net income of \$ [REDACTED] is entitled to a \$ [REDACTED] monthly allotment of FAP benefits.

When the Department determined the Petitioner's eligibility for FAP benefits for March of 2016, it had been notified by the Social Security Administration that the Petitioner would not receive SSI benefits. The Petitioner's eligibility for SSP is based on his eligibility for SSI, and with an income of \$0, the Department issued a \$ [REDACTED] monthly allotment of FAP benefits with no changes to his expenses or deductions.

As a disabled FAP recipient, the Petitioner is entitled to a deduction for medical expenses incurred, but no evidence was presented that he submitted verification of these expenses.

This Administrative Law Judge finds that the Department has presented substantial evidence that it has applied the best information available to determine the Petitioner's countable income and expenses when determining his eligibility for FAP benefits.

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 the Petitioner's eligibility for the Food Assistance Program (FAP).

DECISION AND ORDER

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

KS/las



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]

[REDACTED]

Petitioner

[REDACTED]