



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: May 20, 2016
MAHS Docket No.: 16-005315
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 18, 2016, from Lansing, Michigan. The Petitioner was represented by himself and his stepmother, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process the Petitioner's Food Assistance Program (FAP) application based on his earned and unearned income and loss of the heat and utility credit?

FINDINGS OF FACT

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

1. On February 6, 2016, the Petitioner applied for FAP benefits.
2. On February 17, 2016, the Department sent the Petitioner a notice that his FAP case was processed where he was eligible for [REDACTED] in FAP benefits per month due to earned income and the loss of the heat and utility credit. Department Exhibit 5-8.
3. On April 20, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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, the Petitioner applied for FAP benefits on February 6, 2016. On February 17, 2016, the Department sent the Petitioner a notice that his FAP case was processed where he was eligible for [REDACTED] in FAP benefits per month. Department Exhibit 5-8. On April 20, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

As a result of excess income, the Petitioner had a decrease in FAP benefits. The Petitioner had earned income of [REDACTED] and unearned income of [REDACTED]. After deductions from his gross income of [REDACTED] of [REDACTED] earned income deduction and a [REDACTED] standard deduction for an adjusted gross income of [REDACTED]. The Petitioner was given a total shelter deduction of [REDACTED] resulting from a housing expense of [REDACTED] and heat and utility standard of [REDACTED] and Telephone Standard of [REDACTED]. The Petitioner was given an adjusted excess shelter deduction of [REDACTED], with a total shelter deduction of [REDACTED] minus [REDACTED] % of adjusted gross income of [REDACTED]. The Petitioner had a net income of [REDACTED], which was the adjusted gross income of [REDACTED] minus the excess shelter deduction of [REDACTED]. With a net income of [REDACTED], the Petitioner qualified with a household group size of [REDACTED] for a maximum benefit of [REDACTED] plus [REDACTED] in economic recovery minus [REDACTED] of net income of [REDACTED], resulting in a net benefit amount of [REDACTED]. Department Exhibit 19-21. BAM 105, 115, 130, 200, 210, and 220.

During the hearing, the Petitioner's Stepmother stated that he had applied for the home heating credit. However, until the Department receives notice that he has received the credit, the Petitioner is not entitled to the heat and utility expense. 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 properly budgeted the Petitioner's income without the heat and utility allowance because the Petitioner is not receiving the home heating credit.

DECISION AND ORDER

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

Carmen G. Fahie

CF/db

Carmen G. Fahie
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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]