



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: September 7, 2016
MAHS Docket No.: 16-010563
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 August 31, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. [REDACTED] was also present on behalf of Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED].

ISSUE

Did the Department properly determine Petitioner's eligibility for 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 recipient of FAP benefits.
2. Petitioner had previously been receiving a medical deduction in the amount of [REDACTED] to which he was not entitled.
3. The Department recalculated Petitioner's eligibility for FAP benefits, and on [REDACTED] [REDACTED] sent Petitioner a Notice of Case Action, which notified him that his FAP benefits would decrease to [REDACTED] per month.
4. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.

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.

Additionally, the Department is required to periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 (January 2016), p. 1. In this case, the Department testified that Petitioner's assigned worker realized that Petitioner had been receiving a monthly medical deduction in the amount of [REDACTED] to which he was not entitled. As a result, the Department recalculated Petitioner's eligibility for FAP benefits.

The Department presented a FAP net income budget showing that Petitioner had a countable unearned income of [REDACTED]. Petitioner also has monthly earned income in the amount of [REDACTED]. Petitioner confirmed that the earned and unearned income amounts were correct. Based on Petitioner's circumstances, he was eligible to receive an earned income deduction of [REDACTED]. Petitioner was also eligible to receive a standard deduction of [REDACTED] based on his one-person group size. RFT 255 (July 2016), p. 1. Petitioner pays heat and electric and is therefore entitled to a heat and utility standard in the amount of [REDACTED]. RFT 255 (July 2016), p. 1. After calculating Petitioner's shelter expense and standard deductions, he was eligible for a shelter deduction in the amount of [REDACTED]. When the standard deduction and the shelter deduction are subtracted from Petitioner's income, his net income amount is [REDACTED].

On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified him that his FAP benefits would decrease to [REDACTED] monthly, effective [REDACTED]. Based on the information available to the Department and based upon a net income of [REDACTED], it properly determined that Petitioner was entitled to a FAP benefit amount of [REDACTED] per month. RFT 260 (October 2015), p. 8.

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 decreased Petitioner's FAP benefits to [REDACTED] per month effective [REDACTED].

DECISION AND ORDER

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

JM/hw



Jacquelyn A. McClinton
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]