



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: October 3, 2016  
MAHS Docket No.: 16-012483  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Susanne E. Harris

### **HEARING DECISION**

Following the 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 September 29, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor, [REDACTED].

### **PROCEDURAL HISTORY**

On September 8, 2016, the Michigan Administrative Hearing System received the Petitioner's hearing request withdrawal. On September 22, 2016, Administrative Law Judge Kevin Scully issued an Order Denying Hearing Request Withdrawal, and the matter proceeded as originally scheduled. The following exhibits were offered and admitted into evidence:

Department: A--The Petitioner's income verification.  
B--The Petitioner's FAP budget.  
C--August 19, 2016, Notice of Case Action.

Petitioner: None.

### **ISSUE**

Did the Department properly determined the Petitioner's eligibility for 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. On August 4, 2016, the Petitioner submitted an Assistance Application for FAP benefits.
2. On August 12, 2016, the Petitioner's income verifications were received and his FAP budget was computed.
3. On August 19, 2016, the Department sent the Petitioner a Notice of Case Action informing the Petitioner that he was eligible for FAP benefits with a monthly allotment of \$ [REDACTED]
4. On August 26, 2016, the Department received the Petitioner's written hearing request protesting the Department's determination.

### 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, a group's benefits for a month are based, in part, on a prospective income determination. A best estimate of income expected to be received by the group during a specific month is determined and used in the budget computation. Bridges Eligibility Manual (BEM) 505 (2015).

A group's financial eligibility and monthly benefit amount are determined using actual income (income that was already received) or prospected income amounts (not received but expected).

Only **countable** income is included in the determination; see BEM 500. Each source of income is converted to a **standard monthly amount**, unless a full month's income will not be received. BEM 505 p. 1.

The Department is to determine budgetable income using countable, available income for the benefit month being processed. The Department is to use actual gross income

amounts received for past month benefits, converting to a standard monthly amount, when appropriate.

In this case, the Petitioner did not contest the amount the Department considered as his income. The Petitioner did testify that he has a shelter expense of property taxes and association fees that were not considered when determining his eligibility. The Petitioner was informed that he could notify his worker of such and if verified, those expenses could be considered in his 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 took action to determine the Petitioner's monthly FAP allotment.

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



SH/nr

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Susanne E. Harris  
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]