



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: November 14, 2016
MAHS Docket No.: 16-013416
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 November 9, 2016, from Lansing, Michigan. The Petitioner appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Family Independence Manager [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 September 2016, the Department discovered that his FAP budget had mistakenly included an on-going medical deduction of \$ [REDACTED] per month (Exhibit 1 Page 16), which resulted in a monthly benefit of \$ [REDACTED]
3. Petitioner has not provided the Department with any on-going monthly expenses other than his housing expense of \$ [REDACTED] and the heat/utility standard of \$ [REDACTED]

4. Petitioner is purchasing his home and his monthly payment includes his property taxes and insurance.
5. Petitioner has utility expenses and medical expenses that he has not documented to the Department.
6. Petitioner receives \$■■■■ per month, and his wife receives \$■■■■ per month, in Social Security benefits.
7. In a September 7, 2016, Notice of Case Action (Pages 21-23) the Department informed Petitioner that his FAP was being reduced to \$■■■■ per month beginning October 1, 2016, after removing the medical expense from his FAP budget.
8. On September 21, 2016, the Department received Petitioner's hearing request, protesting the reduction in his 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.

In this case, Petitioner was receiving FAP that was based upon an on-going medical expense that was erroneously entered. He has not documented that expense, and therefore the Department correctly removed it from his FAP budget. When the expense was removed from his budget, it caused a reduction in his FAP.

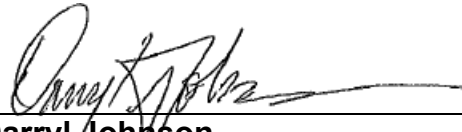
Petitioner did not dispute the amounts that the Department used in his current FAP budget. Although he has some expenses that could be included in his budget, he agreed that he had not documented them. Until the expenses are verified, the Department cannot include them in his budget. The evidence shows that the Department properly reduced his FAP award based upon the available information.

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

DHHS

[REDACTED]

Petitioner

[REDACTED]