



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 2, 2016
MAHS Docket No.: 16-013417
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 October 27, 2016, from Lansing, Michigan. Petitioner appeared and testified. The Department was represented by Eligibility Specialist [REDACTED] and Family Independence Manager [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1-28 was admitted into evidence. Petitioner's Exhibit 1, pages 1-33 was admitted into evidence.

ISSUE

Did the Department determine the proper amount of Petitioner's Food Assistance Program (FAP) eligibility?

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 ongoing recipient of \$ [REDACTED] a month in Food Assistance Program (FAP) benefits.
2. Beginning June 1, 2016, Petitioner was eligible for \$ [REDACTED] in Retirement Survivor Disability Income benefits. (Department Exhibit A page 8)
3. On June 6, 2016, Petitioner submitted a lease agreement which shows that beginning May 25, 2016, he was paying \$ [REDACTED] per month rent which included heat,

electricity, water, sewer and garbage collection. (Department Exhibit A pages 13-15)

4. On June 10, 2016, Petitioner was sent a Notice of Case Action (DHHS-1605) which stated he was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits. Petitioner's shelter expense had decreased significantly. (Department Exhibit A pages 16&17)
5. On July 1, 2015, the State of Michigan began paying Petitioner's Medicare Part B premium. (Department Exhibit A page 7)
6. On September 7, 2012, Petitioner was sent a Notice of Case Action (DHHS-1605) which stated he was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits. Petitioner's Medicare Part B premium expense was removed from his Food Assistance Program (FAP) financial eligibility budget.
7. On September 13, 2016, Petitioner submitted this hearing request.

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.

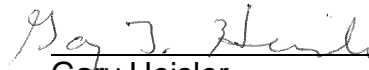
During this hearing Petitioner's current Food Assistance Program (FAP) financial eligibility budget was reviewed. Petitioner's income was verified as \$ [REDACTED] his gross RSDI of \$ [REDACTED] minus \$ [REDACTED] which Social Security Administration is withholding due to an over-issuance. Petitioner has no current medical expense because Michigan is paying his Medicare Part B premium. Petitioner's child support payment of \$ [REDACTED] was verified. And his shelter expense of \$ [REDACTED] plus \$ [REDACTED] for the telephone standard was verified. The Department has properly computed Petitioner's net income as \$ [REDACTED]. The federal regulations at 7 CFR 273.10 provide standards for the amount of a household's benefits. In compliance with the federal regulations, the Department has prepared income limit and issuance tables which are set forth at Program Reference Manual, Table 250 and Table 260. The tables provide that a household of 1 with \$ [REDACTED] of net income is eligible for a Food Assistance Program (FAP) allotment of \$ [REDACTED].

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 amount of Petitioner's Food Assistance Program (FAP) eligibility.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]