



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 28, 2016
MAHS Docket No.: 16-015730
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 November 21, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly reduce Petitioner's FAP benefits effective [REDACTED] [REDACTED]

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 FAP recipient.
2. The Department had previously been budgeting a rent expense of [REDACTED] for Petitioner.
3. The Department learned that Petitioner's actual rent expense was [REDACTED].

4. The Department recalculated Petitioner's eligibility for FAP benefits and on October 14, 2016, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her FAP benefits would decrease to [REDACTED] per month effective [REDACTED].
5. On [REDACTED], Petitioner verbally requested a hearing to dispute 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 (July 2016), p. 1. In this case, Petitioner verbally requested a hearing to dispute the decrease in his Food Assistance Program benefits.

Petitioner receives [REDACTED] per month in SSI income and [REDACTED] per quarter in State Supplement Payment (SSP). The Department testified that it budgets the SSP by dividing the [REDACTED] payment by 3 for a monthly amount of [REDACTED] per month. As such, Petitioner's total unearned gross income is [REDACTED] per month.

The Department testified that prior to redetermining Petitioner's eligibility for FAP benefits, it believed that Petitioner's rent expense was [REDACTED] per month. The Department received information that Petitioner's actual rent expense is [REDACTED]. Petitioner confirmed that she pays a rent expense of [REDACTED] per month. Petitioner does not pay a heat expense, but does pay an electric expense.

The Department presented a FAP net income budget in support of its position that it properly reduced Petitioner's FAP benefits. Based on Claimant's circumstances, she was eligible to receive a standard deduction of [REDACTED] based on her one-person group size. RFT 255, p. 1. (October 2016). Petitioner was also eligible for a shelter deduction in the amount of [REDACTED]. BEM 556, pp. 4-5. (July 2013). When the standard deduction

and the shelter deduction are subtracted from Petitioner's income, her net income amount is [REDACTED].

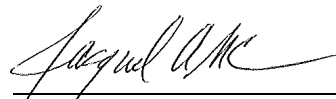
On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified her that her FAP benefits would decrease to [REDACTED] monthly effective [REDACTED]. Based on the information available to the Department at the time it received Petitioner's correct monthly shelter payment, and based upon a net income of [REDACTED] it properly determined that Petitioner was entitled to a FAP benefit amount of [REDACTED] per month. RFT 260, p. 8(October 2016).

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

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]