



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: December 7, 2016
MAHS Docket No.: 16-016382
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 30, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED]. Petitioner's son, [REDACTED], appeared as an observer. The Department of Health and Human Services (Department) was represented by [REDACTED], hearing facilitator.

ISSUE

Did the Department properly approve Petitioner for FAP benefits in the amount of \$ [REDACTED] per month?

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 applied for FAP benefits.
2. ON [REDACTED] the Department sent Petitioner a Notice of Case Action which informed Petitioner that he had been approved for FAP benefits in the amount of \$ [REDACTED] per month effective [REDACTED].
3. 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.

Petitioner applied for FAP benefits. On [REDACTED], the Department sent notice to Petitioner advising that his group had been approved to receive FAP benefits in the amount of \$ [REDACTED] per month, effective [REDACTED]. Petitioner requested a hearing to dispute the amount of Food Assistance Program benefits the group received.

Petitioner receives [REDACTED] per month in RSDI. Petitioner's wife receives a total of \$ [REDACTED] in SSI and RSDI income per month. Neither Petitioner nor his wife are employed. As such, Petitioner's total unearned gross income is \$ [REDACTED] per month.

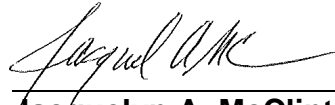
The Department testified and Petitioner confirmed that the group's rent expense is \$ [REDACTED] per month. Petitioner does not pay any utility expenses but does have a telephone expense. The Department presented a FAP net income budget in support of its position that it properly approved FAP benefits in the amount of \$ [REDACTED] per month. Based on a two person group size, the group was eligible to receive a standard deduction of \$ [REDACTED]. RFT 255, p. 1. (July 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 household income, the net income amount is \$ [REDACTED]. Based on the information available to the Department at the time 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. 11.

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 approved Petitioner for FAP benefits in the amount of \$ [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]