



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 19, 2016
MAHS Docket No.: 16-017081

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 - 273.18; 42 CFR 431.200 - 431.250; 45 CFR 99.1 - 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 14, 2016, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator [REDACTED] testified on behalf of the Department. The Department submitted [REDACTED] exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) allotment?

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 October 6, 2016, Petitioner submitted her Semi-Annual Contact Report. [Testimony of Hearing Facilitator [REDACTED]]
2. On November 3, 2016, the Department issued Petitioner a Notice of Case Action informing Petitioner her FAP allotment had been approved for [REDACTED] a month from November 1, 2016 through April 30, 2017. [Dept. Exh. 17-21].

3. On November 14, 2016, Petitioner submitted a Request for Hearing disputing the amount of her FAP allotment.

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.

For FAP purposes, all income that is not specifically excluded is countable. BEM 500, p 3 (1/1/2016). Unearned income is all income that is not earned. *Id.* For Unemployment Benefits, *the gross amount* is counted as unearned income. BEM 503, p 34 (7/1/2016) (emphasis added). Gross income is the amount of income before any deductions such as taxes or garnishments. *This may be more than the actual amount an individual receives.* BEM 500, p 4 (1/1/2016) (Emphasis added). Gross income includes amounts withheld from income for example, voluntary amounts, amounts to repay a debt and amounts to meet a legal obligation. *Id.*

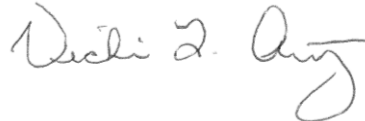
Based on the paystubs submitted by Petitioner, the Department determined that Petitioner was receiving monthly earned income in the amount of [REDACTED] at times relevant to this matter. Petitioner did not dispute the income the Department budgeted. Petitioner explained that she did not understand the process at the time she submitted the Semi-Annual Contact Report, and if she had, she would have submitted additional documentation. Therefore, the Department's FAP eligibility determination was correct based on the paystubs the Department received from Petitioner.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, finds that the Department acted in accordance with Department policy when it determined Petitioner was entitled to FAP benefits of [REDACTED] a month.

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, finds that the Department acted in accordance with Department policy when it determined Petitioner's FAP allotment.

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



Vicki Armstrong
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

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