



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 22, 2016
MAHS Docket No.: 16-017173
Agency No.: [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 December 14, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine that Petitioner was eligible for FAP benefits in the amount of \$ [REDACTED] effective September 1, 2016?

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. On [REDACTED], the Department sent Petitioner a Notice of Case Action which informed Petitioner that she 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.

The Department testified that it recalculated Petitioner's FAP benefits based upon a Redetermination submitted on [REDACTED]. However, the Notice of Case Action which notified Petitioner that her FAP benefits were approved for \$ [REDACTED] per month effective [REDACTED] was dated [REDACTED], six days before the Redetermination would have been received. Notwithstanding this, the Department recalculated Petitioner's eligibility for FAP benefits.

Petitioner receives \$ [REDACTED] in RSDI income and \$ [REDACTED] in pension income. Petitioner pays her Medicare Part B premium in the amount of \$ [REDACTED]. The Department testified that it allowed an additional medical deduction in the amount of \$ [REDACTED] per month. Although the Department was unable to articulate the basis for the additional medical expense, the expense is favorable to Petitioner and will be allowed to remain, given that it may be based upon allowable expenses. The Department also indicated that it gave Petitioner the heat and utility standard, as it believed Petitioner paid both heat and electric. Petitioner confirmed at the hearing that she pays an electric expense but does not pay a heat expense. Because there was no testimony taken as to whether Petitioner pays a cooling expense, the heat and utility standard will remain as an allowable deduction.

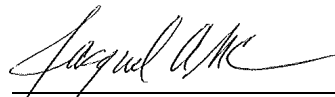
The Department presented a FAP net income budget in support of its position that it properly approved Petitioner for FAP benefits in the amount of \$ [REDACTED] per month. Based on Claimant's circumstances, she was eligible to receive a standard deduction of \$ [REDACTED] based on her one-person group 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, shelter deduction and ongoing medical deductions are subtracted from Petitioner's income, her net income amount is [REDACTED]. Based on the information available to the Department, and based upon a net income of \$ [REDACTED], it properly determined that Petitioner was entitled to a FAP benefit amount of \$ [REDACTED] per month effective [REDACTED]. RFT 260 (October 2016), p. 10.

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]