



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 19, 2016
MAHS Docket No.: 16-017210
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 December 15, 2016, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Family Independence Manager [REDACTED] and Case Worker [REDACTED]. Department's Exhibit A, pages 1-22 was admitted into evidence.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on 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 was an ongoing recipient of Medical Assistance (MA) and Food Assistance Program (FAP) benefits. Petitioner's eligibility was due for re-determination by July 31, 2016.
2. On July 18, 2016, Petitioner had not provided the Department with required documentation and verifications to complete his eligibility re-determination. Petitioner was sent a Health Care Coverage Determination Notice (DHHS-1606) which stated he was not eligible for Medical Assistance (MA) beginning August 1, 2016.

3. On July 31, 2016, Petitioner's Medical Assistance (MA) and Food Assistance Program (FAP) closed.
4. On August 10, 2016, Petitioner submitted an online Redetermination (DHS-1010).
5. On September 1, 2016, Petitioner submitted an online application for Medical Assistance (MA) benefits.
6. On September 1, 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.
7. On November 14, 2016, Petitioner submitted a hearing request.
8. During this hearing it was determined that Petitioner's Medical Assistance (MA) issues have been resolved to his satisfaction so that portion of the hearing request is dismissed.

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 income and expenses on the date of the eligibility determination at issue, were verified. The Food Assistance Program (FAP) financial eligibility budget used in the eligibility determination at issue, was correct. Both Petitioner and the Department testified that some of Petitioner's expenses have changed since the date of the eligibility determination at issue. It was explained that those changes will be the basis for updated eligibility determination after the one at issue but are not applicable to the decision in this case. The Notice of Case Action (DHHS-1605) issued to Petitioner on September 1, 2016 contained the correct amount of Food Assistance Program (FAP) benefit eligibility. It is also noted that the Food Assistance Program (FAP) issuance levels increased on October 1, 2016 and Petitioner was issued the amount of Food Assistance Program (FAP) benefits called for in the updated issuance tables. While the September 1, 2016 Notice of Case Action (DHHS-1605) stated Petitioner was eligible for \$ [REDACTED] of Food Assistance Program (FAP) benefits

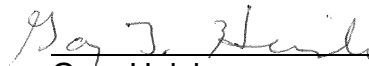
beginning October 1, 2016, he has actually been issued \$ [REDACTED] for October 2016 in accordance with the updated issuance tables.

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 Petitioner's Food Assistance Program (FAP) eligibility on September 1, 2016.

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]