



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.: 16-017234
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 herself. The Department was represented by Family Independence Manager [REDACTED]. Department's Exhibit A, pages 1-14 was admitted into evidence. Petitioner got distressed and left before the hearing was concluded.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on November 4, 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 Food Assistance Program (FAP) benefits. Her FAP benefit group consisted of herself and her two daughters.
2. On November 2, 2016, Petitioner reported that her daughter, [REDACTED] had moved out of the household.
3. On November 4, 2016, the Department updated Petitioner's Food Assistance Program (FAP) financial eligibility budget by removing [REDACTED]. Petitioner was sent a Notice of Case Action (DHHS-1605) which stated her Food Assistance Program (FAP) benefits would be reduced to \$ [REDACTED] per month for the group of 2.

4. On November 14, 2016, Petitioner made a verbal hearing request about the amount of her Food Assistance Program (FAP) benefits.
5. The income and expenses for the benefit group did not change. The amount of FAP eligibility was reduced because the group was smaller.
6. During this hearing, Petitioner became agitated. She began to raise questions about a State Emergency Relief (SER) application that is not relevant to this hearing and she also tried to start a dialog on the question of whether the amount of Food Assistance Program (FAP) was sufficient. When Petitioner was told those were not issues for this hearing, Petitioner left the hearing before it was concluded. The hearing was completed in her absence.

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.

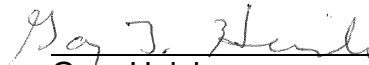
Petitioner did not dispute that one of her two daughter's left the household. The income and expenses in the Food Assistance Program (FAP) financial eligibility budget were not disputed. Petitioner's Food Assistance Program (FAP) eligibility decreased because the benefit group size decreased.

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 November 4, 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]