



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: January 31, 2017
MAHS Docket No.: 16-019097
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 January 26, 2017, from Lansing, Michigan. The Petitioner appeared along with his wife, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Hearings Facilitator [REDACTED] [REDACTED] [REDACTED] [REDACTED] interpreted between English and [REDACTED].

ISSUE

Did the Department properly determine Petitioner's eligibility for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits?

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 and his family were receiving \$ [REDACTED] in FIP, less \$ [REDACTED] to repay a recoument (Page 15), and \$ [REDACTED] in FAP (Page 11) for a household of six.
2. Petitioner submitted a Semi-Annual Contact Report (Pages 3-4) on November 28, 2016, in which he reported miscellaneous expenses, and stated that the household income had not changed more than \$ [REDACTED] from a previously-reported \$ [REDACTED].
3. Petitioner's wife began working on October 31, 2016, earning \$ [REDACTED] per week (Page 6), which is the equivalent of \$ [REDACTED] per month.

4. Petitioner's income from his employment totaled \$ [REDACTED] for the pay dates of October 14, 2016, through November 4, 2016, which is the equivalent of \$ [REDACTED] per month.
5. The Department completed a new FAP budget (Pages 13-14) which found his household was eligible to receive \$ [REDACTED] per month in FAP beginning December 1, 2016.
6. The Department completed a new FIP budget (Page 16) and found that the household's countable income of \$ [REDACTED] exceeded the payment standard of \$ [REDACTED] for a group of six. RFT 210 (12/1/13) p. 1 and BEM 515 (10/1/15) p. 1.
7. On November 15, 2016, the Department mailed to Petitioner a Notice of Case Action (Pages 17-22), informing him that the FIP would be closed, and the FAP reduced to \$ [REDACTED] beginning December 1, 2016.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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.

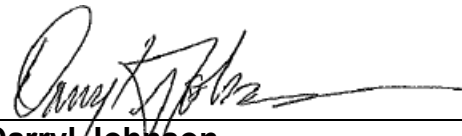
In this case, Petitioner and his family were receiving FIP and FAP based upon the Petitioner's employment income and allowable deductions. His wife began working on October 31, 2016, and her job brought in an additional \$ [REDACTED] to the household. Consequently, the FAP was reduced by \$ [REDACTED] per month, and the FIP of \$ [REDACTED] (after a recoupment offset) was eliminated. A review of the budgets is persuasive that the Department correctly applied by the policy by counting the income appropriately, and giving the correct deductions.

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 reduced Petitioner's FAP and closed his FIP.

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

DJ/mc



Darryl Johnson
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]