



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: February 17, 2017  
MAHS Docket No.: 16-017373  
Agency No.: [REDACTED]  
Petitioner: [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 February 13, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED].

**ISSUE**

Did the Department properly determine Petitioner's eligibility for FAP benefits effective October 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 recipient of FAP benefits.
2. In October 2016, Petitioner submitted a Redetermination to the Department.
3. The Department redetermined Petitioner's eligibility for FAP benefits and on [REDACTED], sent Petitioner a Notice of Case Action which notified Petitioner that he had been approved for FAP benefits in the amount of [REDACTED].
4. 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.

Additionally, the Department is required to periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 (July 2016), p. 1. In October 2016, Petitioner submitted a completed Redetermination. As a result, the Department redetermined Petitioner's eligibility for FAP benefits. The Department submitted a budget in support of its position that it properly determined Petitioner's eligibility for FAP benefits in the amount of \$ [REDACTED] per month effective October 2016. The Department testified that prior to receiving the Redetermination, it had been budgeting an ongoing medical expense in the amount of [REDACTED]. Petitioner confirmed that he is not receiving this medical expense and testified that he has never had an ongoing medical expense in the amount of [REDACTED]. As such, the medical deduction was removed from Petitioner's FAP budget.

Petitioner receives \$ [REDACTED] in unearned income. Based on Petitioner's circumstances, his one person group was eligible to receive a standard deduction of [REDACTED]. RFT 255, p. 1. (October 2016). Petitioner was also eligible to receive a shelter deduction in the amount of \$ [REDACTED] per month. BEM 556 (July 2013). When the standard deduction and shelter deduction are subtracted from Petitioner's income, the net income amount is [REDACTED].

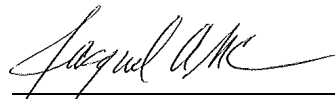
On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified him that he had been approved for FAP benefits in the amount of \$ [REDACTED] per month effective [REDACTED]. Based on the information available to the Department, and based upon a one person group size with a net income of \$ [REDACTED], it properly determined that Petitioner was entitled to a FAP benefit amount of \$ [REDACTED] per month. RFT 260 (October 2016), p. 11.

**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]