



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 13, 2017
MAHS Docket No.: 16-019090
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 February 9, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Family Independence Manager [REDACTED]. Department's Exhibit A was admitted into evidence.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on December 22, 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.
2. On December 1, 2016, Petitioner submitted a Redetermination (DHS-1010) on which he reported earned income from two separate sources. Along with the Redetermination (DHS-1010) Petitioner submitted four, weekly paycheck stubs from [REDACTED]: 10/19/2016 for \$ [REDACTED] 10/26/2016 for \$ [REDACTED] 11/2/2016 for \$ [REDACTED] and 11/9/2016 for \$ [REDACTED]. Petitioner also submitted payroll information from [REDACTED] which showed his last two biweekly pay amounts as: 11/4/2016 for \$ [REDACTED] and 11/18/2016 for \$ [REDACTED].

3. On December 6, 2016, the Department updated Petitioner's Food Assistance Program (FAP) financial eligibility budget using the verified, current earned income submitted by Petitioner. A Notice of Case Action (DHS-1605) was sent to Petitioner which stated that based on a gross earned income of \$ [REDACTED] his Food Assistance Program (FAP) eligibility was \$ [REDACTED] per month beginning January 1, 2017.
4. On December 21, 2016, the Department received a Verification of Employment (DHS-38) from [REDACTED]. The form listed Petitioner's last four biweekly pay amounts: 11/4/16 as \$ [REDACTED] 11/18/2016 as [REDACTED] 12/2/2016 as \$ [REDACTED] and 12/16/2016 as \$ [REDACTED]
5. On December 22, 2016, the Department updated Petitioner's Food Assistance Program (FAP) financial eligibility budget using Petitioner's updated earned income for December, submitted by [REDACTED]. Petitioner was sent a superseding Notice of Case Action (DHS-1605) which stated that based on a gross earned income of \$ [REDACTED] he was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits beginning January 1, 2017.
6. On December 29, 2016, Petitioner made a verbal hearing request.

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.

Bridges Eligibility Manual 505 Prospective Budgeting/Income Change Processing (7-1-2016) provides in relevant part:

Non-Child Support Income

Using Past Income

Use past income to prospect income for the future unless changes are expected:

Use income from the **past 30 days** if it appears to accurately reflect what is expected to be received in the benefit month.

Discard a pay from the past 30 days if it is unusual and does not reflect the normal, expected pay amounts. Document which pay is being discarded and why. For example, the client worked overtime for one week and it is not expected to recur.

Standard Monthly Amount

A standard monthly amount must be determined for each income source used in the budget.

Stable and Fluctuating Income

Convert stable and fluctuating income that is received more often than monthly to a standard monthly amount. Use one of the following methods:

- Multiply weekly income by 4.3.
- Multiply amounts received every two weeks by 2.15.
- Add amounts received twice a month.

This conversion takes into account fluctuations due to the number of scheduled pays in a month.

During this hearing Petitioner asserted that he feels the earned income used in determining his Food Assistance Program (FAP) eligibility is incorrect. The income used in the December 22, 2016, Food Assistance Program (FAP) financial eligibility budget was dissected. The \$ [REDACTED] of earned income consists of \$ [REDACTED] from [REDACTED] and \$ [REDACTED] from [REDACTED].

The \$ [REDACTED] for [REDACTED] was calculated using the four weekly check stubs Petitioner submitted on December 1, 2016.

([REDACTED]
[REDACTED]
[REDACTED]

The amount was rounded down for calculating Food Assistance Program (FAP) eligibility.

The \$ [REDACTED] from [REDACTED] was calculated using Petitioner's two, biweekly pays for December.

[REDACTED]
[REDACTED]
[REDACTED]

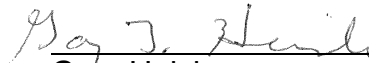
The amount was rounded down for calculating Food Assistance Program (FAP) eligibility.

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 December 22, 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]