



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 16, 2017
MAHS Docket No.: 16-019469
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 6, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] Success Coach.

ISSUE

Did the Department properly determine Petitioner's eligibility for FAP benefits effective January 1, 2017?

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. On [REDACTED], Petitioner submitted a Redetermination.
3. The Department redetermined Petitioner's eligibility for FAP benefits and on [REDACTED], the Department sent Petitioner a Notice of Case Action which informed Petitioner that the group had been approved for FAP benefits in the amount of \$ [REDACTED] per month.

4. On [REDACTED] 6, 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.

On [REDACTED], 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.

Petitioner receives \$ [REDACTED] in unearned income. Each of Petitioner's five children receive \$ [REDACTED] in unearned income. In the Redetermination submitted by Petitioner, he indicated that his wife received \$ [REDACTED] per month in earned income. Therefore, the Department calculated the group's total income as [REDACTED] per month. Based on Petitioner's circumstances, the group was eligible to receive a standard deduction of \$ [REDACTED] based on his seven person group size. RFT 255, p. 1. (October 2016). Petitioner was also ineligible to receive a shelter deduction as 50 percent of the adjusted gross income was greater than the total shelter amount. BEM 556. (July 2013). When the standard deduction is subtracted from Petitioner's income, the net income amount is \$ [REDACTED].

It should be noted that Petitioner has two adult children also living in the home. However, the two children are in college and are not employed. Under Department policy, individuals who are enrolled in post-secondary school but do not meet the criteria for student status are ineligible for FAP benefits. BEM 245 (January 2017), p 4. There was no evidence presented that Petitioner's two older daughters met the criteria for student status and therefore were not included in the FAP group composition.

On [REDACTED], the Department sent Petitioner a Notice of Case Action, which notified him that his FAP benefits would decrease to \$ [REDACTED] monthly effective [REDACTED]. Based on the information available to the Department, and based upon 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. 24.

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]