



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: March 13, 2017
MAHS Docket No.: 17-001027
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 22, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by [REDACTED]

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility for January 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 was an ongoing recipient of Food Assistance Program (FAP) benefits in the amount of \$ [REDACTED] per month. Petitioner is allowed to submit medical expenses to be included in his Food Assistance Program (FAP) financial eligibility budget, in accordance with Bridges Eligibility Manual (BEM) 554 FAP Allowable Expenses and Expense Budgeting.
2. On November 28, 2016, Petitioner was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) allotment for December 2016 would be \$ [REDACTED]. This was based on medical bills Petitioner had submitted.
3. For the month of January 2017, Petitioner received \$ [REDACTED] of Food Assistance Program (FAP) benefits.

4. On January 10, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated he would receive \$ [REDACTED] of Food Assistance Program (FAP) benefits beginning February 1, 2017. This was because Petitioner submitted additional, allowed medical bills.
5. On January 17, 2017, Petitioner submitted a hearing request because he only received \$ [REDACTED] of Food Assistance Program (FAP) benefits in January 2017.

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 (BEM) 554 FAP Allowable Expenses and Expense Budgeting provides that Food Assistance Program (FAP) benefit groups which contain a senior, disabled or disabled veteran (SDV) member may submit and verify allowed medical expenses. The section Medical Expenses (pages 8-12) explains the requirements and allowed medical expenses. In this case Petitioner did not submit any medical bills at a time when they would impact his January 2017 Food Assistance Program (FAP) eligibility.

Petitioner's base line Food Assistance Program (FAP) eligibility of \$ [REDACTED] per month was reviewed. Petitioner receives \$ [REDACTED] in Retirement, Survivor, Disability Income (RSDI) benefits from the Social Security Administration. Petitioner receives the \$ [REDACTED] standard deduction for a benefit group of one which leaves him with an adjusted gross income of \$ [REDACTED]. Petitioner has a housing expense of \$ [REDACTED] and receives the non-heat electric standard of \$ [REDACTED] and the \$ [REDACTED] telephone standard. Petitioner's total shelter expense is \$ [REDACTED]. Petitioner's total shelter expense is compared to 50% of his adjusted gross income (\$ [REDACTED]). Petitioner receives no excess shelter deduction because his shelter expense, \$ [REDACTED] does not exceed 50% of his adjusted gross income \$ [REDACTED]. Therefore, Petitioner's net income is \$ [REDACTED]. A Food Assistance Program (FAP) benefit group of 1, with a net income of \$ [REDACTED] is eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits.

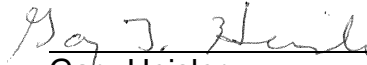
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it determined Petitioner's Food Assistance Program (FAP) eligibility for January 2017.

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]