



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: May 23, 2017
MAHS Docket No.: 17-004699
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 10, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED] Assistance Payments Supervisor, and [REDACTED] Assistance Payments Worker.

ISSUE

Did the Department properly determine that Petitioner had excess income for Food Assistance Program (FAP)?

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 a recipient of FAP benefits.
2. On February 16, 2017, Petitioner filed a hearing request to have his son removed as a household group member, because Petitioner and his son do not purchase and prepare food together. Department Exhibit 1, pg. 2-3.
3. On February 27, 2017, the Department Caseworker sent Petitioner a Quick Note, DHS 100, that his son had been removed from his case at his request. As a result of the medical expenses that he had submitted, his FAP benefits for March of

2017, would be \$ [REDACTED] and April of 2017, would be \$ [REDACTED] Department Exhibit 1, pg. 4.

4. On March 30, 2017, the Administrative Law Judge dismissed Petitioner's hearing request filed on February 16, 2017, for lack of jurisdiction for addressing Petitioner's dispute with his FAP benefits beginning April 1, 2017.
5. On March 27, 2017, the Department received a hearing request verbally from Petitioner, contesting the Department's negative action for the amount of his April of 2017, FAP benefit amount.

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 [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 was a recipient of FAP benefits. On February 16, 2017, Petitioner filed a hearing request to have his son removed as a household group member because Petitioner and his son do not purchase and prepare food together. Department Exhibit 1, pg. 2-3. On February 27, 2017, the Department Caseworker sent Petitioner a Quick Note, DHS 100, that his son had been removed from his case at his request. As the result of the medical expenses that he had submitted, his FAP benefits for March of 2017, would be \$ [REDACTED] and April of 2017, would be \$ [REDACTED] Department Exhibit 1, pg. 4. On March 30, 2017, the Administrative Law Judge dismissed the Petitioner's hearing request, filed on February 16, 2017, for lack of jurisdiction for addressing Petitioner's dispute with his FAP benefits beginning April 1, 2017. On March 27, 2017, the Department received a hearing request verbally from Petitioner, contesting the Department's negative action for the amount of his April of 2017, FAP benefit amount. BEM 501. BAM 105, 115, 130, 200, and 220.

During the hearing, the Department stated that Petitioner's FAP benefits fluctuated based on the medical expenses that he submitted every month. Petitioner had unearned income of \$ [REDACTED] from Social Security RSDI and SSI benefits. After deductions, from his gross income of \$ [REDACTED] of \$ [REDACTED] standard deduction and a medical deduction of \$ [REDACTED] for an adjusted gross income of \$ [REDACTED] Petitioner was given a total shelter deduction of \$ [REDACTED] resulting from a housing expense of \$ [REDACTED] and heat and utility standard of \$ [REDACTED] Petitioner was given an adjusted

excess shelter deduction of \$ [REDACTED] with a total shelter deduction of \$ [REDACTED] minus 50% of adjusted gross income of \$ [REDACTED]. Petitioner had a net income of \$ [REDACTED] which was the adjusted gross income of \$ [REDACTED] minus the excess shelter deduction of \$ [REDACTED]. With a net income of \$ [REDACTED], Petitioner qualified with a household group size of 1 for a maximum benefit of \$ [REDACTED] plus \$0.00 in economic recovery, minus 30% of net income of \$ [REDACTED] resulting in a FAP net benefit amount of \$ [REDACTED]. Department Exhibit 1, pgs. 14-16.

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 that Petitioner was eligible for FAP benefits of \$ [REDACTED] for the month of April of 2017.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**. Petitioner was eligible for FAP benefits of \$ [REDACTED] for the month of April 2017.



CF/bb

Carmen G. Fahie
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]