



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.: 17-004851
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 herself and her husband, [REDACTED]. 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 Petitioner's eligibility for Food Assistance Program (FAP) based on her Redetermination Application, DHS 1010?

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 with a redetermination due.
2. On March 6, 2017, Petitioner submitted her Redetermination Application, DHS 1010, to the Department. Department Exhibit 1, pgs. 1-8.
3. Petitioner received \$ [REDACTED] in Social Security benefits. Department Exhibit 1, pgs. 9-10.
4. Petitioner's husband receives \$ [REDACTED] in Social Security benefits. Department Exhibit 1, pgs. 11-12.

5. On April 5, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action.
6. On April 13, 2017, the Department Caseworker sent Petitioner an Application Eligibility Notice, DHS 1150, that effective May 1, 2017, that her FAP benefits were decreasing to \$ [REDACTED] due to excess income. Department Exhibit 1, pgs. 22-23.

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 with a redetermination due. On March 6, 2017, Petitioner submitted her Redetermination Application, DHS 1010, to the Department. Department Exhibit 1, pgs. 1-8. The Petitioner receives \$ [REDACTED] in Social Security benefits. Department Exhibit 1, pgs. 9-10. Petitioner's husband receives \$ [REDACTED] in Social Security benefits. Department Exhibit 1, pgs. 11-12. On April 5, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action. On April 13, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1150, that effective May 1, 2017 that her FAP benefits were decreasing to \$ [REDACTED] due to excess income. Department Exhibit 1, pgs. 22-23. BAM 210. BEM 554, 503, and 212. RFT 260.

During the hearing, the Department stated that Petitioner had excess income, which resulted in a decrease of her FAP benefits from \$ [REDACTED] to \$ [REDACTED] due to unearned income. As a result of excess income, Petitioner had a decrease in FAP benefits. Petitioner had unearned income of \$ [REDACTED]. After deductions, from her gross income of \$ [REDACTED] of \$ [REDACTED] standard deduction 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 2 for a maximum benefit of \$ [REDACTED] plus \$0.00.

in economic recovery, minus 30% of net income of \$ [REDACTED] resulting in a net benefit amount of \$ [REDACTED] Department Exhibit 1, pgs. 18-20.

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 had excess income from unearned income resulted in a decrease of her FAP benefits from \$ [REDACTED] to \$ [REDACTED]

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**. Petitioner had excess income from unearned income resulting in a decrease in his FAP benefits from \$ [REDACTED] to \$ [REDACTED]

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]