



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 12, 2017
MAHS Docket No.: 17-005095
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 May 10, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED].

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility?

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 March 6, 2017, the Department discovered they had made an error with regard to Petitioner's shelter expense for Food Assistance Program (FAP) eligibility. The Department had budgeted a rental amount of \$ [REDACTED] for Petitioner but discovered she had housing assistance in the amount of \$ [REDACTED]. Petitioner's actual rent expense was only \$ [REDACTED].
3. On March 9, 2017, Petitioner's Food Assistance Program (FAP) financial eligibility budget was updated to correct the mistake. Petitioner was sent a Notice of Case Action (DHS-1605) which stated she was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits beginning April 1, 2017.

4. On March 16, 2017, Petitioner submitted a Michigan State Housing Development Authority (MSHDA) Adjustment Notification dated January 27, 2017. The notice states that beginning March 1, 2017, Petitioner's housing assistance payment increased to \$ [REDACTED]. As of March 1, 2017, Petitioner's rent obligation was \$ [REDACTED] per month.
5. On April 5, 2017, the Department updated Petitioner's Food Assistance Program (FAP) financial eligibility budget with regard to her rental obligation. Petitioner was sent a Notice of Case Action (DHS-1605) which stated that she was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits beginning May 1, 2017.
6. On April 5, 2017, Petitioner made a verbal hearing request about the decrease in her Food Assistance Program (FAP) benefits.

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.

During this hearing Petitioner asserted that the Department knew she was receiving housing assistance and the reduced Food Assistance Program (FAP) benefits are not enough for her to live on.

Petitioner's Food Assistance Program (FAP) financial eligibility budget was reviewed. Her Social Security Administration benefits of \$ [REDACTED] per month were verified as well as her expense for Medicare Part B Premium. The record contains evidence showing her out of pocket rental expenses. Petitioner receives the full heat and utility standard as part of her shelter expense.

The financial eligibility budget with the reduced \$ [REDACTED] rent expense correctly calculated her net income as \$ [REDACTED]. Reference Table 260 Food Assistance Issuance Tables (10-1-2016) shows that a Food Assistance Program (FAP) benefit group of one with a net income of \$ [REDACTED] is eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits.

The financial eligibility budget with the reduced \$ [REDACTED] rent expense correctly calculated her net income as \$ [REDACTED]. Reference Table 260 Food Assistance Issuance Tables (10-1-

2016) shows that a Food Assistance Program (FAP) benefit group of one with a net income of \$ [REDACTED] is eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits.

Petitioner's concern that the amount is not enough to live on, centers on dissatisfaction with the current law and policy. The claimant's request is not within the scope of authority delegated to this Administrative Law Judge pursuant to a written directive signed by the Department of Human Services Director, which states:

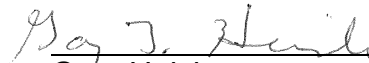
Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

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.

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]