



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.: 17-005121
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, an in person hearing was held on May 18, 2017, in Lansing, Michigan. Petitioner appeared and testified. The hearing began with Petitioner's authorized hearing representative present, however, due to her irrelevant interruptions and lack of cooperation, she was removed from the hearing. 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. On February 2, 2017, Petitioner submitted an application for Food Assistance Program (FAP) benefits.
2. On February 2, 2017, Petitioner was sent a Verification Checklist (DHS-3503) requesting verification of his home rent. The verification was due by February 13, 2017.
3. On February 28, 2017, the Department had not received Petitioner's rent expense verification. Petitioner was determined to be eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits based on \$ [REDACTED] of unearned income (\$ [REDACTED] per

month of Supplemental Security Income (SSI) plus the \$ [REDACTED] per month Michigan State supplement) the \$ [REDACTED] standard deduction and the \$ [REDACTED] telephone standard expense. Petitioner was sent a Notice of Case Action (DHS-1605) informing him of the Food Assistance Program (FAP) eligibility determination.

4. On March 27, 2017, Petitioner submitted verification of his \$ [REDACTED] monthly rent expense. His Food Assistance Program (FAP) financial eligibility budget was updated to include the rent expense. However, the added expense did not change his monthly Food Assistance Program (FAP) eligibility amount. His combined shelter expense still did not exceed 50% of his adjusted gross income. (Department Exhibit A pages 36 & 37). Because his Food Assistance Program (FAP) benefit did not change, a Notice of Case Action (DHS-1605) was not issued.
5. On April 5, 2017, Petitioner submitted a hearing request regarding the amount of his Food Assistance Program (FAP) benefit.

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.

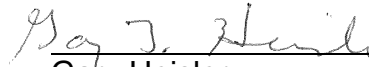
During this hearing Petitioner's Food Assistance Program (FAP) financial eligibility budget was reviewed. His income and expenses were verified. The Food Assistance Program (FAP) financial eligibility budget was found to be correct. Petitioner stated that now he understands why the rent expense did not change his benefit amount.

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]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]