



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: June 12, 2017
MAHS Docket No.: 17-004441
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

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 30, 2017, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistant Payment Supervisor, and [REDACTED] Assistant Payment Supervisor.

ISSUE

Did the Department properly calculate Petitioner's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In January 2017, Petitioner notified the Department of a change in her rent payments relating to her FAP benefits.
2. The Department reviewed Petitioner's eligibility for FAP benefits and on February 3, 2017, it sent Petitioner a Notice of Case action which notified Petitioner that she had been approved for FAP benefits in the amount of \$ [REDACTED] per month effective March 1, 2017.
3. On March 21, 2017, Petitioner filed a Request for hearing disputing the Department's actions

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.

In January 2017, Petitioner submitted information to the Department regarding an increase in her weekly shelter expenses. The Department redetermined Petitioner's eligibility for FAP benefits based on the new shelter expenses. The Department submitted a budget in support of its position that it properly determined Petitioner's eligibility for FAP benefits.

Petitioner receives \$ [REDACTED] in unearned income. Based on Petitioner's circumstances, she was eligible to receive a standard deduction of \$ [REDACTED] based on a one-person group size. RFT 255, p. 1. (October 2016). Petitioner provided the Department verification that she pays \$ [REDACTED] per week for shelter. [Exhibit A, pp. 23-26.] For FAP budgeting purposes, weekly shelter expenses, are multiplied by 4.3. BEM 554 (June 1, 2016), p. 3. Petitioner also indicated that she did not have electricity and telephone expenses. Based upon this information at the time it made its redetermination, Petitioner was eligible to receive a shelter deduction in the amount of \$ [REDACTED] BEM 556. (July 2013). When the standard deduction and shelter deduction are subtracted from Petitioner's income, the net income amount is \$ [REDACTED]

On February 3, 2017, the Department sent Petitioner a Notice of Case Action, which notified her that she had been approved for FAP benefits in the amount of \$ [REDACTED] monthly effective March 1, 2017. Accordingly, based on the information available to the Department, and based upon a net income of \$ [REDACTED] it properly determined that Petitioner was entitled to a FAP benefit amount of \$ [REDACTED] per month. RFT 260 (October 2016), p. 4.

DECISION AND ORDER

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 increased Petitioner's FAP benefits to \$ [REDACTED] per month effective February 1, 2017.

Accordingly, the Department's decision is **AFFIRMED**.



DM/nr

Denise McNulty
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]