



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 20, 2017
MAHS Docket No.: 17-005775
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 in the Department's [REDACTED] office. Petitioner was represented by himself. The Department was represented by Hearing Facilitator [REDACTED]

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on February 28, 2017 and April 18, 2017?

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 9, 2017, Petitioner submitted an Assistance Application (DHS-1171) for Food Assistance Program (FAP) benefits.
2. On February 24, 2017, Petitioner submitted verification of paying \$ [REDACTED] in rent.
3. On February 28, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated he was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits.
4. On April 7, 2017, Petitioner submitted verification of paying \$ [REDACTED] in rent.

5. Bridges Administration Manual (BAM) 220 Case Actions, under Standards of Promptness, requires that for FAP, reported changes must be acted upon within 10 days.
6. On April 18, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated he was eligible for \$█ per month of Food Assistance Program (FAP) benefits from May 1, 2017 ongoing.
7. On April 25, 2017, Petitioner made a verbal hearing request regarding the amount of his 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's income was verified as \$█ per month of Supplemental Security Income (SSI) benefits and \$█ per month of State Supplemental Payment. The Food Assistance Program (FAP) financial eligibility budgets since Petitioner's application were reviewed. Petitioner's \$█ income, the \$█ standard deduction and a \$█ adjusted gross income were the same in both. In both of the excess shelter deduction calculations, Petitioner's shelter expense would have to exceed 50% of his adjusted gross income (█).

In the \$█ financial eligibility budget Petitioner's total shelter expense was \$█ so he did not have an excess shelter deduction. His Food Assistance Program (FAP) eligibility was based on a net income of \$█ which is \$█ per month. The Notice of Case Action (DHS-1605) sent to Petitioner on February 28, 2017 was correct.

In the \$█ financial eligibility budget Petitioner's total shelter expense was \$█ so he had an excess shelter deduction of \$█. Petitioner's net income was \$█ which made him eligible for \$█ per month of Food Assistance Program (FAP) benefits. The Notice of Case Action (DHS-1605) sent to Petitioner on April 18, 2017 was correct.

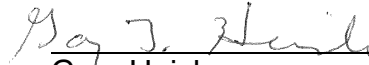
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it determined Petitioner's Food Assistance Program (FAP) eligibility on February 28, 2017 and April 18, 2017.

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]