



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 28, 2017
MAHS Docket No.: 17-006215
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 three-way telephone conference hearing was held on June 22, 2017, from Lansing, Michigan. Petitioner appeared and testified via telephone. [REDACTED] Eligibility Specialist, appeared on behalf of the Department of Health and Human Services (Department).

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) Heat and Utility Standard supplemental amount?

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 FAP recipient. [Department's Exhibit 1, p. 3].
2. Pursuant to a U.S. Food and Nutrition Services directive, the Department was required to recalculate Petitioner's Heat and Utility Standard Allowance for 2014. After the recalculation, the Department determined that Petitioner was entitled to \$ [REDACTED] FAP supplement. [Dept. Exh. 1, pp. 1-3].
3. The Department mailed Petitioner a Notice of Payment for Prior Benefits MDHHS Owes You. [Hearing Testimony].

4. On May 12, 2017, the Department received Petitioner's Hearing Request for Food Assistance Program to dispute the supplement. [Dept. Exh. 1, p. 2].

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.

The heat/utility (h/u) standard covers all heat and utility costs including cooling, except actual utility expenses, for example, installation fees. BAM 554 (October 1, 2014), p. 14.

For all FAP groups that received the h/u standard on or before February 7, 2014, the h/u standard will remain in place for a period of five months after the month of their first redetermination or first reported case change occurring on or after May 1, 2014. In order to continue receiving the h/u standard beyond the expiration of the five month period, the FAP group must meet the requirements of the mandatory heat and utility standard section. BEM 554, p. 15.

In the instant matter, Petitioner submitted a hearing request form after the Department issued him a \$ [REDACTED] h/u supplement. Presumably, Petitioner requested the hearing to challenge the supplemental amount. However, during the hearing Petitioner acknowledged receipt and stated on the record that he agreed with the \$ [REDACTED] supplement.

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. Because Petitioner stated that he agreed with the Department's action, there is no longer a pending dispute for the Administrative Law Judge to decide.

Accordingly, 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 h/u standard FAP supplement for 2014.

DECISION AND ORDER

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

IT IS SO ORDERED.

CAP/mc



C. Adam Purnell
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



Petitioner

