



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 23, 2017  
MAHS Docket No.: 17-006475  
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 14, 2017, from Lansing, Michigan. The Petitioner was present and represented herself. The Petitioner's daughter, [REDACTED], was present. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

### **ISSUE**

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits effective May 1, 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. Petitioner was an ongoing recipient of FAP benefits.
2. Redetermination form was sent to the Petitioner on March 4, 2017. [Exhibit A.] She returned the completed Redetermination on March 22, 2017. [Exhibit A, pp. 12-19.]
3. Petitioner participated in an interview scheduled on April 4, 2017.
4. The Department redetermined Petitioner's eligibility for FAP benefits and on April 28, 2017, it sent Petitioner a Determination Notice which notified Petitioner that due to excess income her FAP case would be closed effective May 1, 2017.

5. When Petitioner submitted her financial documents to the Department, in April 2017, she did not make it clear that her employer changed names and that she was not working for both employers, [REDACTED]. [REDACTED] was the same employer as [REDACTED]. Without that clarification a redetermination of Petitioner's case appeared to show that she had double the income which resulted in a determination that she no longer qualified for benefits due to excess income.
6. On May 5, 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.

Petitioner requested a hearing to dispute the Determination Notice dated April 28, 2017, which indicated that her FAP case would be closed. [Exhibit A, p.49.] At the hearing, the Department testified that there was confusion about whether the Petitioner worked for two employers at the same time which resulted in the counting of her income twice. Although the Petitioner tried to let the Department know that she was no longer working for an employer it was not clear that the employer she was mentioning only changed names and was not a separate entity. Once the Department received documentation and information that Petitioner only had one job and not two, and therefore not double the income, a redetermination of benefits showed she was eligible for benefits.

Under Department policy, the Department properly considered Petitioner's earned and unearned income, as reported to them, when it calculated FAP benefits. BEM 503 (January 2017), p. 9. With clarification of Petitioner's income the Department redetermined her benefits and reinstated same. At the time of the hearing, Petitioner was satisfied that her benefits had been properly determined and reinstated.

### **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 closed Petitioner's FAP case based on the information that she had two separate employers resulting in excess income.

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



DM/nr

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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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]