



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 26, 2017
MAHS Docket No.: 17-006624
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on June 22, 2017, from Lansing, Michigan. The Petitioner was represented by his mother, [REDACTED]. The Department was represented by [REDACTED].

ISSUE

Did the Department of Health and Human Services (Department) properly determine the supplement of Food Assistance Program (FAP) benefits that Petitioner was eligible for?

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 Food Assistance Program (FAP) recipient as a group of one on or before February 7, 2014.
2. Petitioner received the standard \$ [REDACTED] heat and utility deduction in November of 2014. Exhibit A, p 4.
3. Petitioner received a \$ [REDACTED] allotment of Food Assistance Program (FAP) benefits for November 1, 2014. Exhibit A, p 4.
4. Petitioner did not receive the heat and utility deduction from December 1, 2014, through April 30, 2015. Exhibit A, pp 6-10.

5. Petitioner received a \$ [REDACTED] allotment of Food Assistance Program (FAP) benefits on December 1, 2014, and a \$ [REDACTED] allotment from January 1, 2015, through April 30, 2015. Exhibit A, p 4.
6. On April 17, 2017, Petitioner received a \$ [REDACTED] supplementary allotment of Food Assistance Program (FAP) benefits, which was made up of a \$ [REDACTED] allotment for December of 2014, and \$ [REDACTED] for each month from January 1, 2016, through April 30, 2016. Exhibit A, p 11.
7. On May 5, 2017, the Department received Petitioner's request for a hearing protesting the amount of supplementary Food Assistance Program (FAP) benefits he was issued by the Department. Exhibit A, 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. Department of Health and Human Services Bridges Administrative Manual (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.

The Department certified Petitioner for FAP benefits as a group of one on or before February 7, 2014, and Petitioner remained an ongoing FAP recipient through April 1, 2017. The Department initiated a redetermination of Petitioner's eligibility for ongoing FAP benefits in November of 2014, and determined that he was not responsible for heating or cooling expenses separate from his obligation to pay for housing expenses.

Due to Department error, Petitioner was not granted the h/u standard deduction for the five month period following his redetermination that occurred after May 1, 2014.

Without this deduction, Petitioner's FAP benefits were reduced from December 1, 2014, through April 30, 2015.

On April 19, 2017, the Department issued a \$ [REDACTED] FAP supplement to Petitioner for the five month period following his first redetermination after May 1, 2014. These FAP supplements increased the amount of FAP benefits Petitioner received in each of those months to \$ [REDACTED] which was the maximum amount of FAP benefits a group of one could receive. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2014), p 1.

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 properly supplemented Petitioner's Food Assistance Program (FAP) benefits for the five month period following his first redetermination after May 1, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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]

Authorized Hearing Rep.

[REDACTED]