



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: July 6, 2017
MAHS Docket No.: 17-007140
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 29, 2017, from Lansing, Michigan. The Petitioner represented herself. [REDACTED] of [REDACTED] acted as a translator for Petitioner. The Department was represented by [REDACTED] Family Independence Manager, and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for 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. Petitioner is an ongoing Food Assistance Program (FAP) recipient as a group of two.
2. The Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED] and State Supplemental Security Income (SSP) in the gross monthly amount of \$ [REDACTED]. Exhibit A, pp 10-12.
3. The Petitioner receives monthly child support in the gross monthly amount of \$ [REDACTED] Exhibit A, p 13.

4. Petitioner has a monthly housing expenses of \$ [REDACTED] she is not obligated to pay heating expenses separately from her housing expenses, but she is obligated to pay her electricity and telephone expenses. Exhibit A, p 17.
5. On May 16, 2017, the Department notified Petitioner that she was approved for a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits as of June 1, 2017. Exhibit A, pp 18-19.
6. On May 22, 2017, the Department received Petitioner's request for a hearing protesting the amount of monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, pp 2-3.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (January 1, 2016).

Petitioner was an ongoing FAP recipient on May 16, 2017, when the Department notified her that her monthly allotment of benefits would be reduced to \$ [REDACTED] per month. Petitioner receives a total gross monthly income of \$ [REDACTED] which consists of SSI benefits totaling \$ [REDACTED] SSP benefits in the monthly amount of \$ [REDACTED] but paid quarterly, and child support in the monthly amount of \$ [REDACTED] which was determined from the three month average of child support received. Petitioner's adjusted gross monthly income of \$ [REDACTED] was determined by reducing her total income by the \$ [REDACTED] standard deduction.

Petitioner has a monthly housing expenses of \$ [REDACTED]. Petitioner is not obligated to pay for heating expenses separate from her housing, but does received a standard \$ [REDACTED] deduction for electricity and a standard \$ [REDACTED] deduction for telephone expenses. Petitioner is not entitled to a deduction from her income for shelter expenses because her total monthly shelter obligation is less than half of her adjusted gross income. Petitioner previously received a larger credit for heating expenses but is no longer entitled to this deduction because she does not have a heating obligation separate from her housing expense. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (January 1, 2017), pp 1-30.

Therefore, Respondent's net monthly income is the same as her adjusted gross income. A group of two with a \$ [REDACTED] net monthly income is entitled to a \$ [REDACTED] allotment of Food Assistance Program (FAP) benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2016).

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 eligibility for Food Assistance Program (FAP) benefits as of June 1, 2017.

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]