



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: July 31, 2017
MAHS Docket No.: 17-008698
Agency No.: ██████████
Petitioner: ██████████

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; 42 CFR 438.400 to 438.424; 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 ██████████, from Detroit, Michigan. The Petitioner was represented by herself. An Interpreter, ██████████, was present. The Department of Health and Human Services (Department) was represented by ██████████, Hearing Facilitator.

ISSUE

Did the Department properly calculate Petitioner's 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. In ██████ ██████, Petitioner submitted an application for FAP benefits to the Department for a family size of three.
2. The Department reviewed Petitioner's eligibility for FAP benefits; and on ██████ ██████ it sent Petitioner a Notice of Case action which notified Petitioner that she had been approved for FAP benefits in the amount of \$ ██████ for ██████ and \$ ██████ per month effective ██████, ongoing.

3. On [REDACTED], 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.

In [REDACTED], Petitioner submitted an application for FAP benefits to the Department. Petitioner requested benefits for herself and her two children. The Department determined Petitioner's eligibility for FAP benefits based on the information provided. The Department submitted a budget in support of its position that it properly determined Petitioner's eligibility for FAP benefits.

Petitioner receives \$ [REDACTED] in unearned income monthly, as voluntary child support. [Exhibit A, p. 11.] Based on Petitioner's circumstances, she was eligible to receive a standard deduction of \$ [REDACTED] based on a three-person group size. RFT 255, p. 1. (October 2016). Petitioner provided the Department verification that she pays \$ [REDACTED] per month for shelter. [Exhibit A, pp. 9, and 11.] Petitioner was also given the heating and utility standard of \$ [REDACTED] RFT 255, p. 1. (October 2016). After all the allowable deductions were made, it was determined that Petitioner had a monthly net income of \$ [REDACTED] [Exhibit A, pp. 7-9.]

The maximum FAP benefit amount allowed for a group size of three is \$ [REDACTED]. To arrive at Petitioner's benefit amount a deduction of 30% of Petitioner's net income is subtracted from the maximum benefit amount. Petitioner's benefit amount was determined to be \$ [REDACTED] per month. RFT 260 (October 2016), p. 12.

On [REDACTED], the Department sent Petitioner a Notice of Case Action, which notified her that she had been approved for FAP benefits in a prorated amount of \$ [REDACTED] for the month of [REDACTED] and \$ [REDACTED] per month beginning [REDACTED]-ongoing. Accordingly, based on the information available to the Department, and based upon a net income of \$ [REDACTED] it properly determined that Petitioner was entitled to a FAP benefit amount of \$ [REDACTED] per month beginning [REDACTED]. RFT 260 (October 2016), p. 12.

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 determined Petitioner's FAP benefits to \$ [REDACTED] per month effective [REDACTED].

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



DM/jaf

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]

Petitioner

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]