STATE OF MICHIGAN
RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

Date Mailed: August 14, 2017
MAHS Docket No.: 17-009108
Agency No.: ███████
Petitioner: ███████

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 August 9, 2017, from Lansing, Michigan. The Petitioner represented herself land her fiancé ███████ testified on her behalf. The Department was represented by ███████ and ███████

ISSUE

Did the Department of Health and Human Services (Department) properly reduce 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.   Petitioner was an ongoing Food Assistance Program (FAP) recipient as a group of one when she reported to the Department that her fiancé had joined her benefit group at a different home. Exhibit A, p 1.

2.   Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of $███ and State Supplemental Security Income (SSP) in the gross monthly amount of $███ Exhibit C, pp 1-3.

3.   Petitioner's fiancé receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of $███ Exhibit C, pp 4-6.

4.   Petitioner's fiancé has an ongoing obligation to pay a Medicare premium in the monthly amount of $███ Exhibit C, p 4.

5.   Petitioner and her fiancé have an ongoing housing expense of $███ Exhibit A, pp 5-32.

6.   On July 6, 2017, the Department redetermined Petitioner's eligibility for Food Assistance Program (FAP) benefits and notified her that effective August 1, 2017, her monthly allotment of benefits would decrease to $██ per month. Exhibit B.

7.   On July 11, 2017, the Department received Petitioner's request for a hearing protesting the reduction of her monthly allotment of Food Assistance Program (FAP) benefits.

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 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 (July 1, 2017).

The Department will consider only the medical expenses of senior/disabled/veteran (SDV) persons in the eligible group or SDV persons disqualified for certain reasons.

Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2015), pp 8 – 9.

The Medical Expenses amount is determined by totaling allowable monthly medical expenses (rounded to whole dollar amounts) and reducing this amount by a $▇ medical deduction. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (July 1, 2013), p 4.

Food Assistance Program (FAP) groups must meet the requirements of the mandatory heat and utility standard section in order to receive the standard heat and utility deduction. Groups that receive this deduction are not eligible for other shelter expense deductions. Department of Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2015).

Petitioner was an ongoing FAP recipient as a group of one when she reported to the Department that her fiancé would be joining her benefit group at in a difference home. Petitioner provided the Department with the verification documents necessary to redetermine her eligibility for FAP benefits as a group of two that purchase and prepare food together. On July 6, 2017, the Department notified Petitioner that she was eligible for ongoing FAP benefits with a $▇ monthly allotment.

Petitioner receives SSI in the gross monthly amount of $▇ and SSP in the gross monthly amount of 14, which was determined by dividing this benefit that is paid quarterly by 3 months as directed by BEM 505. Petitioner's fiancé received RSDI in the gross monthly amount of $▇. Petitioner's adjusted gross income of $▇ was determined by reducing their total gross monthly income by the $▇ standard deduction and a $▇ ongoing medical deduction, which was determined by reducing the obligation of Petitioner's fiancé to pay a $▇ monthly Medicare Part B premium by the standard $▇ deduction as directed by BEM 556. Petitioner is entitled to a $▇ excess shelter deduction for monthly shelter expenses that was determined by adding their $▇ monthly rent expense to the $▇ standard heat and utility deduction, then subtracting 50% of their adjusted gross income.

Petitioner's net income of $▇ was determined by reducing her adjusted gross income by the excess shelter deduction. A group of two with a net income of $▇ is eligible for a $▇ monthly allotment of 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 ongoing eligibility for Food Assistance Program (FAP) benefits as a group of two.

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

Petitioner