



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: September 8, 2017  
MAHS Docket No.: 17-010183  
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 September 05, 2017, from Lansing, Michigan. The Petitioner represented herself and her husband [REDACTED] testified on her behalf. The Department was represented by [REDACTED] Assistance Payments Supervisor, and [REDACTED] Eligibility Specialist.

**ISSUE**

Did the Department of Health and Human Services (Department) properly determine Petitioner's allotment of 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 six.
2. Petitioner's Food Assistance Program (FAP) benefit group receives monthly earned income from employment in the gross monthly amount of \$ [REDACTED]
3. Petitioner's Food Assistance Program (FAP) benefit group received monthly unearned income from child support and unemployment compensation benefits in the gross monthly amount of \$ [REDACTED]
4. Petitioner's husband is obligated to pay child support and was credited with a child support expenses in the monthly amount of \$ [REDACTED]

5. On July 18, 2017, the Department notified Petitioner that she was eligible for a \$[REDACTED] monthly allotment of Food Assistance Program (FAP) benefits effective August 1, 2017.
6. On August 7, 2017, the Department notified Petitioner that she was eligible for a \$[REDACTED] monthly allotment of Food Assistance Program (FAP) benefits effective September 1, 2017.
7. On July 25, 2017, the Department received Petitioner's verbal request for a hearing protesting the amount 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 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).

The Department will use the average of child support payments received in the past three calendar months, unless changes are expected. Department of Health and Human Services Bridges Eligibility Manual (BEM) 505 (July 1, 2016), p 5.

Petitioner is an ongoing FAP recipient as a group of six. The monthly income of Petitioner's household varies due to changes in employment status and the receipt of underemployment benefits. Petitioner's household receives earned income from employment, social security benefits, child support and unemployment compensation benefits. The Department presented substantial evidence supporting a finding that

Petitioner received a prospective total monthly income of \$ [REDACTED] which was determined by multiplying weekly earned income by 4.3, the three month average of court ordered child support payments, and the gross monthly social security benefits. Petitioner's adjusted gross income of \$ [REDACTED] was determined by reducing earned income by the 20% earned income deduction, the \$ [REDACTED] standard deduction, and a \$ [REDACTED] deduction for child support expenses, which were determined by taking a three month average of payments made. Petitioner's net income of \$ [REDACTED] was determined by reducing her adjusted gross income by a \$ [REDACTED] excess shelter deduction, which consists of her countable shelter expenses reduced by 50% of her adjusted gross income.

A group of six with a net income of \$ [REDACTED] is entitled to a \$ [REDACTED] monthly allotment of FAP benefits.

Petitioner argued that monthly allotment of FAP benefits granted to the household decreased un-proportionately to their recent reduction of earned income.

However, Petitioner failed to present any evidence that the Department is not using the correct income amounts to determine her ongoing eligibility for FAP benefits. Changes to Petitioner's circumstances may affect Petitioner's eligibility for FAP benefits in the future assuming that verification of these changes are provided to the Department in a timely manner.

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.

### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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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]