



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 25, 2017
MAHS Docket No.: 17-010610
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 20, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by [REDACTED] Hearing Facilitator.

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 was an ongoing Food Assistance Program (FAP) recipient.
2. On December 5, 2016, the Department sent Petitioner a Redetermination (DHS-1010) form. Exhibit A, pp 4-11.
3. On January 8, 2017, the Department completed a redetermination interview where Petitioner reported that she is responsible for paying monthly rent of \$ [REDACTED] with utilities included. Exhibit A, p 3.
4. On February 22, 2017, the Department notified Petitioner that she was approved for a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits and that she was not entitled to the heat and utility standard deduction. Exhibit A, pp 12-15.

5. On August 2, 2017, the Department received verification that Petitioner pays for heating expenses separately from her monthly rent. Exhibit A, p 18.
6. On July 28, 2017, the Department received Petitioner's request for a hearing protesting the level of her Food Assistance Program (FAP) benefits. 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 Department will verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, the Department will remove the old expense until the new expense is verified. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2015), p 14.

Petitioner was an ongoing FAP recipient when the Department initiated a review of her eligibility to receive continuing FAP benefits on December 5, 2016. Petitioner reported to the Department on January 8, 2017, during an interview with her caseworker, that she was responsible for paying monthly rent of \$[REDACTED] with utilities included. On February 22, 2017, the Department sent Petitioner notice that she was approved for a \$[REDACTED] monthly allotment of FAP benefits and that she was not entitled to the heat and utility standard deduction.

On August 2, 2017, the Department received verification that Petitioner pays for heating expenses separate from her monthly rent and this may affect her eligibility for future benefits.

Petitioner argues that she had been paying for utility expenses separately from her rent since January of 2017.

Shelter expenses must be verified before they may be applied towards eligibility for FAP benefits. No evidence was presented on the record that Petitioner provided the Department with verification of her responsibility to pay for utilities separately from her housing until August 2, 2017. Petitioner failed to protest the Department's determination that she pays for utilities included in her rent in a timely manner after the Department's written notice on February 22, 2017.

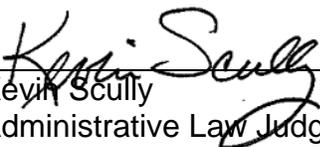
Therefore, the Department was acting in accordance with BEM 554 when it did not include unverified expenses in the determination of Petitioner's monthly allotment of FAP benefits.

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 monthly allotment of Food Assistance Program (FAP) benefits.

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]