



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 16, 2017
MAHS Docket No.: 17-011920
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 October 5, 2017, from [REDACTED] Michigan. The Petitioner was represented by herself. The Department was represented by [REDACTED] Assistance Payments Worker.

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 applied for Food Assistance Program (FAP) benefits in July of 2017.
2. On August 10, 2017, the Department received a copy of Petitioner's bank statement. Exhibit A.
3. On August 10, 2017, the Department received Petitioner's Verification of Assets (DHS-20) form. Exhibit A.
4. On August 25, 2017, the Department approved Petitioner for a \$ [REDACTED] prorated allotment of FAP benefits for July of 2017, a \$ [REDACTED] allotment of FAP benefits for August of 2017, and a \$ [REDACTED] allotment of FAP benefits for September of 2017. Exhibit A.
5. Petitioner's Food Assistance Program (FAP) benefits for July through September of 2017, did not include a deduction for housing expenses. Exhibit A.

6. On September 13, 2017, the Department received verification of Petitioner's mortgage payment. Exhibit A.
7. On August 31, 2017, the Department received Petitioner's request for a hearing protesting the amount of her allotment of Food Assistance Program (FAP) benefits. Exhibit A.

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 (January 1, 2017), p 14.

Petitioner applied for FAP benefits in July of 2017, reporting to the Department that she had an obligation to pay a mortgage expenses and an obligation to pay for heating expenses separately from her mortgage. The Department determined her eligibility for FAP benefits including the standard heat and utility deduction, but failed to allow an expense deduction for her mortgage payment because had not been verified. Petitioner received FAP benefits from July of 2017, through September of 2017, that did not include any expense deduction for Petitioner's unverified mortgage.

Petitioner testified that she submitted verification of her mortgage obligation on August 10, 2017, but failed to present any evidence that she submitted this document before September 13, 2017. Once Petitioner's housing expenses were verified on September 13, 2017, her eligibility for FAP benefits will change beginning in October of 2017.

This Administrative Law Judge finds that Petitioner failed to establish that she provided the Department with verification of her housing expenses before September 13, 2017, and the Department was not permitted to give her credit for these unverified expenses as required by BEM 554.

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



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]