



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 4, 2017
MAHS Docket No.: 17-002960
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 29, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. [REDACTED], Petitioner's landlord, was present at the hearing as an observer. [REDACTED], Petitioner's caregiver, was present at the hearing as an observer. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits effective March 1, 2017?

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 recipient of FAP benefits.
2. On [REDACTED], Petitioner submitted an application for FAP benefits.
3. Because Petitioner was already receiving FAP benefits, the Department did not process the application but reviewed the information contained in the application.

4. On [REDACTED], the Department sent Petitioner a Notice of Case Action, which notified Petitioner that her FAP benefits would decrease to \$ [REDACTED] per month effective [REDACTED].
5. 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.

On [REDACTED] Petitioner submitted an application for FAP benefits. The Department testified that because Petitioner was already receiving FAP benefits, it did not process the application. However, the Department testified that it reviewed the application. In reviewing the application, the Department discovered that it had been budgeting an ongoing medical expense that Petitioner was not entitled to receive. The Department removed the medical expense and redetermined Petitioner's eligibility for FAP benefits. 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. Petitioner also receives \$ [REDACTED] per quarter in State Supplement Payments. The Department testified that it budgets this income at a rate of \$ [REDACTED] per month. Therefore, the Department calculated the Petitioner's total income as \$ [REDACTED] per month. Based on Petitioner's circumstances, she was eligible to receive a standard deduction of \$ [REDACTED] based on a one-person group size. RFT 255, p. 1. (October 2016).

Petitioner provided a shelter verification which indicated that she pays \$ [REDACTED] in rent each month. Petitioner's utilities are included in her rent. The shelter verification indicated that Petitioner's telephone was also included. Therefore, the Department did not provide Petitioner with a telephone standard. Based upon this information at the time it made its determination, Petitioner was eligible to receive a shelter deduction in the amount of \$ [REDACTED] BEM 556. (July 2013). When the standard deduction and shelter deduction are subtracted from Petitioner's income, the net income amount is \$ [REDACTED].

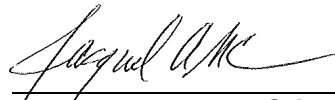
On [REDACTED] the Department sent Petitioner a Notice of Case Action, which notified her that her FAP benefits would decrease to \$ [REDACTED] monthly effective [REDACTED]. [REDACTED] Petitioner testified that she incurs a telephone expense each month. However, based on the information available to the 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. RFT 260 (October 2016), p. 8.

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

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

JM/hw



Jacquelyn A. McClinton

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]