



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 21, 2017  
MAHS Docket No.: 17-003299  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

### **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 April 5, 2017, from Detroit, Michigan. Petitioner was represented by herself and her mother, [REDACTED]. The Department was represented by Hearing Facilitator [REDACTED].

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on January 31, 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 was an ongoing recipient of Food Assistance Program (FAP) benefits. Her benefit group consists of herself and her mother. Petitioner receives \$ [REDACTED] per month of Supplemental Security Income (SSI) benefits and \$ [REDACTED] per month in SSP. Petitioner's mother receives \$ [REDACTED] per month of Retirement, Survivor, Disability Income (RSDI) benefits. Petitioner's mother also receives a monthly pension of \$ [REDACTED] per month. They have a rent expense of \$ [REDACTED] per month and pay their own utilities. Petitioner's mother pays her own Medicare premiums.
2. On January 31, 2017, the Department processed Petitioner's FAP Redetermination (DHS-1010). Petitioner was sent a Notice of Case Action (DHS-1605) which stated

her Food Assistance Program (FAP) would close on February 1, 2017 due to excess income.

3. On March 13, 2017, Petitioner submitted a hearing request.

### 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).

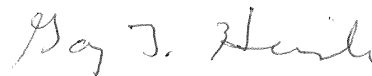
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011.

Petitioner and her mother have a gross income of \$ [REDACTED] + \$ [REDACTED]. They receive the \$ [REDACTED] standard deduction and Petitioner's mother receives a \$ [REDACTED] per month medical expense for her Medicare premium payment. Their adjusted gross income is \$ [REDACTED] ((\$ [REDACTED] - [REDACTED])). Their total shelter expense is \$ [REDACTED]. They a \$ [REDACTED] excess shelter deduction \$ [REDACTED] - (\$ [REDACTED] / 2). They have a net income of \$ [REDACTED] (\$ [REDACTED] - \$ [REDACTED]). In accordance with Reference Table 250 FAP Income Limits (10-1-2016) the net income limit for a group of two is \$ [REDACTED]. Petitioner was not eligible for Food Assistance Program (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 determine Petitioner's Food Assistance Program (FAP) eligibility on January 31, 2017.

### DECISION AND ORDER

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



GHforMB

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Gary Heisler  
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]

**Authorized Hearing Rep.**

[REDACTED]