



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 13, 2017  
MAHS Docket No.: 17-003468  
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 11, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Assistance Payment Supervisor [REDACTED] [REDACTED] and Assistance Payment Supervisor [REDACTED] [REDACTED].

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility for the period beginning April 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 was an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On December 19, 2017, Petitioner submitted a Redetermination (DHS-1010) for her Medicare Cost Share program. Part of the submission was a shelter verification written by her father, who she resides with. The shelter verification stated "She pays \$ [REDACTED] a month in rent. Of which I in turn use \$ [REDACTED] of it toward the heating bill."
3. On March 8, 2017, Petitioner made a verbal hearing request regarding her Food Assistance Program (FAP).

## 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.

Bridges Eligibility Manual (BEM) 554 FAP Allowable Expenses and Expense Budgeting (1-1-2017) states "FAP groups whose heat is included in their rent or fees are not eligible for the h/u standard unless they are billed for excess heat payments from their landlord."

The Department interpreted the shelter verification as Petitioner paying \$ [REDACTED] per month in rent and heat is included in the rent. Petitioner asserts that the shelter verification should be interpreted as her paying for heat separately.

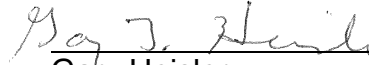
The shelter verification states: "She pays \$ [REDACTED] a month in rent. Of which I in turn use \$ [REDACTED] of it toward the heating bill." The plain language in the statement identifies \$ [REDACTED] as the total amount Petitioner pays and labels the \$ [REDACTED] as rent. It does not identify a separate payment for heat. It states that a part of the "rent" is used toward the heat payment. The plain language in the statement indicates that Petitioner's heat is included in her rent. The plain language of the statement DOES NOT indicate that Petitioner pays \$ [REDACTED] per month rent and a separate \$ [REDACTED] for heat.

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 Food Assistance Program (FAP) eligibility for the period beginning April 1, 2017.

**DECISION AND ORDER**

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

GH/nr



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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]