



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 18, 2017
MAHS Docket No.: 17-003596
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 12, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Assistance Payment Supervisor [REDACTED] [REDACTED] and Eligibility Specialist [REDACTED] [REDACTED]

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on January 27, 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. On October 1, 2005, Petitioner's daughter [REDACTED] [REDACTED] became eligible for Social Security benefits, as a derivative claim under Petitioner's Retirement, Survivor, Disability Income (RSDI) claim.
2. On November 21, 2006, the Family Division of Michigan's [REDACTED] Circuit Court entered a Modified Judgment of Filiation regarding Petitioner's child support obligations for his daughter [REDACTED] [REDACTED]. The order stated "Due to the fact that the minor child's derivative benefit exceeds the Defendant's support obligation, support paid by the Defendant shall be \$0.00/reserved until further order of the Court." (Department's Exhibit A page 40)

3. On January 27, 2017, the Department re-determined Petitioner's Food Assistance Program (FAP) eligibility as required by a Decision and Order issued following an Administrative Law Hearing. The Friend of the Court verified that Petitioner is not paying child support through them. In the hearing, Petitioner asserted that he was paying child support. Petitioner was issued notice of the re-determination.
4. On March 9, 2017, Petitioner submitted a hearing request, again asserting that he pays child support.

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.

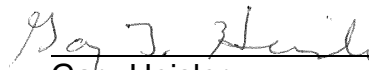
In this case, Petitioner is incorrectly defining his daughter's derivative Social Security claim under his Social Security number, as child support paid by himself. The Retirement, Survivor, Disability Income (RSDI) Social Security benefit which Petitioner is eligible for, is not reduced by any amount. His daughter's derivative RSDI claim, is a separate benefit paid to his daughter because he is disabled and unable to work.

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 on January 27, 2017.

DECISION AND ORDER

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

GH/nr



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]