



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 14, 2017
MAHS Docket No.: 17-003629
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 13, 2017, from Lansing, Michigan. Petitioner was represented by himself and his son, [REDACTED]. The Department was represented by Assistance Payment Supervisor [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility?

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 January 18, 2017, Petitioner submitted a Michigan Combined Application Project (MICAP) DHS-513. On the application Petitioner indicated that he lived with his child who was less than 18 years old.
2. On January 20, 2017, Petitioner was incorrectly approved for Food Assistance Program (FAP) benefits under the MICAP category. Petitioner was sent a Notice of Case Action (DHS-1605) which stated he was approved for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits, for a group of one, from January 18, 2017 ongoing.

3. On February 7, 2017, Petitioner submitted an application for State Emergency Relief (SER) benefits. On the application Petitioner indicated his minor son resided with him. The local Department office made inquiries about Petitioner's eligibility for MICAP Food Assistance Program (FAP) benefits.
4. On February 8, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated his MICAP Food Assistance Program (FAP) would close on March 1, 2017.
5. On February 22, 2017, Petitioner submitted an online Assistance Application (DHS-1171) for Food Assistance Program (FAP) benefits for himself and his son. Both Petitioner and his son receive [REDACTED] per month of Social Security benefits.
6. On March 6, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated [REDACTED] was approved for \$ [REDACTED] of Food Assistance Program (FAP) benefits for the period February 23-28, 2017 as a group of one. The notice also stated that both Petitioner and [REDACTED] were approved for \$ [REDACTED] per month from March 1, 2017 ongoing, as a group of two.
7. On March 17, 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.

During the month of February 2017, Petitioner received \$ [REDACTED] of Food Assistance Program (FAP) benefits under the MICAP category. Petitioner's son, [REDACTED] received \$ [REDACTED] under the regular category.

Beginning March 1, 2017, all income for both Petitioner and [REDACTED] was used to determine their Food Assistance Program (FAP) eligibility under the regular category. During this hearing Petitioner's Food Assistance Program (FAP) financial eligibility budget, under the regular category, for the group of two was reviewed. Petitioner and [REDACTED] combined income was verified as \$ [REDACTED]. Their reported and allowed shelter expenses were verified. In accordance with Reference Table (RFT) 260 Food

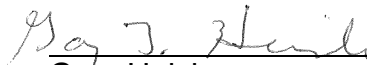
Assistance Issuance Tables, a benefit group of two, with Petitioner's income and expenses is eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits.

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 determined Petitioner's Food Assistance Program (FAP) eligibility.

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]