



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 17, 2017  
MAHS Docket No.: 17-003633  
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. The Department was represented by Hearing Facilitator [REDACTED] [REDACTED]

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on March 9, 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 February 21, 2017, Petitioner submitted an online Assistance Application (DHS-1171) for benefits. In the application Petitioner indicated that he had no income.
2. On February 27, 2017, Petitioner was issued a Notice of Case Action (DHS-1605) which stated he was eligible for \$ [REDACTED] of Food Assistance Program (FAP) benefits per month beginning March 1, 2017. That eligibility determination was based on Petitioner receiving \$ [REDACTED] income.
3. On March 9, 2017, the Department received verification that Petitioner is eligible for a total of \$ [REDACTED] of VA benefits. Petitioner's Food Assistance Program (FAP) financial eligibility budget was corrected and he was sent a Health Care Coverage

Determination Notice (DHS-1606) which stated he was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits beginning March 1, 2017.

4. 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 does not dispute his eligibility for \$ [REDACTED] of VA benefits. His VA benefit statement indicates that \$ [REDACTED] per month is withheld as recoupment of disability severance pay. (Department's Exhibit A page 39)

Bridges Eligibility Manual (BEM) 503 Income, Unearned states:

#### **VA PENSION AND COMPENSATION**

##### **All Types of Assistance**

Pension payments are based on a combination of need, age, and/or nursing home status. Pensions are normally paid monthly. However, the VA may make the payment quarterly, twice a year or annually if the amount is small (less than \$19 per month).

Compensation payments are based on service-connected disability or death.

The pension and compensation payment can also include:

- The Aid and Attendance
- Housebound allowance
- VA Clothing Allowance
- Adjustment for Unusual Medical Expenses
- Augmented Benefits

**Note:** These allowances are **not** identifiable on a check stub or award letter. Accept the client's statement that the payment does **not** include any of these additional allowances.

Bridges counts the gross amount of the pension or compensation as unearned income.

***Exceptions:***

Bridges excludes any portion of a payment resulting from an Aid and Attendance or Housebound allowance; see VA Aid and Attendance and Housebound Allowances in this item.

Bridges may exclude augmented benefits; see Augmented Benefits in this item.

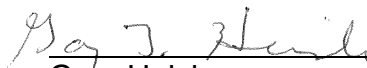
BEM 503 does not show that the \$[REDACTED] per month withheld as recoupment of disability severance pay, is an exception to counting the gross amount of Petitioner's

On March 9, 2017, when the Department's eligibility determination at issue was made, Petitioner's shelter verification stated only that he was required to pay \$[REDACTED] of rent per month. Department's Exhibit A page 40) Review of the evidence in this record shows that the income and expenses in Petitioner's March 9, 2017 Food Assistance Program (FAP) financial eligibility budget were correct. 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 March 9, 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]