



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 16, 2018
MAHS Docket No.: 18-000321
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; 42 CFR 438.400 to 438.424; 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 February 12, 2018, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly calculate the Petitioner's Food Assistance (FAP) for the heat and utility allowance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner sought review of her Food Assistance benefit amount to determine if it was correct.
2. The Department issued a Notice of Case Action on December 3, 2017 decreasing Petitioner's FAP to [REDACTED] monthly. Exhibit D
3. The Petitioner has a FAP group of one member, pays rent in the amount of [REDACTED] monthly, in January 2018 the rent paid was [REDACTED]. The Petitioner is disabled and receives [REDACTED] monthly from the Social Security Administration as of January 2018 and received a heat and utility allowance of [REDACTED] based upon LI heap. The

Petitioner also had no medical expenses for January 2018 submitted. Exhibit A, Exhibit E and Exhibit F.

4. The Petitioner requested a timely hearing on January 5, 2018 protesting the Department's actions.

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, the Petitioner sought review of the amount of her FAP benefits seeking a review of whether the Department should have included the amounts Petitioner pays for utility expenses associated with her last apartment when she lived in Ohio. Exhibit B. In that regard the Petitioner presented a copy of a Financial Assessment demonstrating that she was required to pay ██████ monthly and currently pays \$10.00 monthly based upon her prior account balance of ██████ for her Ohio utility bill for ██████ ██████ Exhibit B and C.

The heat/utility (h/u) standard covers **all heat and utility costs** including cooling, **except** actual utility expenses, for example, installation fees etc.; see Actual Utilities in this item. Do **not** prorate the h/u standard even if the heating/cooling expense is shared.

FAP groups that qualify for the h/u standard **do not** receive any other individual utility standards. Do **not** require verification of the other utility standards if the household is already eligible for the h/u standard. BEM 554 (August 2017) p. 15.

Allowable Expenses

Allow the following expenses:

Basic shelter expenses,

Heat and Utility Standard

Utility installation fees

Exception: Heat and utility expenses may only be claimed for one home. BEM 554, p. 25.

The evidence presented by the Department confirmed that the Department included the maximum heat and utility allowance of █████ monthly when determining Respondent's FAP benefits and shelter expenses and thus the Petitioner received the maximum allowance available to FAP recipients for utilities. The utility allowance is not intended to cover all costs for utilities but is an allowance granted as a housing cost to account for utility expense. In addition, an arrearage of utility costs from prior residence is not an eligible utility expense for purposes of determining Petitioner's shelter expenses because heat and utility expenses may only be claimed for one home. The FAP budget was reviewed at the hearing and was correct as presented. FAP benefits were reduced due to in part the Petitioner submitting no medical bills for January 2018, and an increase of █████ in SSA disability benefits received. Exhibit E, p. 9.

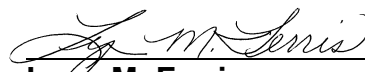
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it calculated the FAP excess shelter utility allowance amount.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

LF/tm



Lynn M. Ferris

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]
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