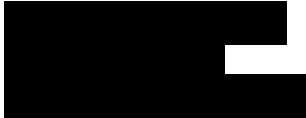




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: February 23, 2018
MAHS Docket No.: 18-000491
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on February 15, 2018, from [REDACTED] Michigan. Petitioner represented himself. The Department was represented by [REDACTED]

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

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 December 9, 2017, the Department notified Petitioner that he was eligible for a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits as a group of one effective January 1, 2018. Exhibit A, pp 10-13.
2. On December 19, 2017, the Department received verification that Petitioner is responsible for a \$ [REDACTED] monthly rent expense. Exhibit A, p 9.
3. The Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED] and monthly State Supplemental Security Income (SSP) in the gross monthly amount of \$14.
4. On December 19, 2017, the Department notified Petitioner that he was eligible for a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits effective January 1, 2018. Exhibit A, pp 4-7.

5. On January 11, 2018, the Department received Petitioner's request for a hearing protesting the amount of his monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, pp 2-3.

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.

FAP groups who have received a Home Heating Credit in an amount greater than \$20 in the application month or in the immediately preceding 12 months prior to the application month are eligible for the heat and utility standard deduction. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), p 18.

On December 9, 2017, Petitioner was an ongoing FAP recipient as a group of one when the Department notified him that his monthly allotment of benefits would decrease to \$█. This was the result of the Department's removal of the standard heat and utility deduction from the determination of his FAP benefits. Petitioner had been received the heat and utility deduction based on his receipt of a home heating credit in 2016, but no evidence was presented on the record that Petitioner has received this credit in the previous 12 months. As of December 9, 2017, Petitioner was not receiving credit for a rent obligation.

On December 19, 2017, the Department received verification that Petitioner is responsible for a \$█ monthly rent expense, which the Department was not aware of. No evidence of an obligation for heating expenses separate from rent was received. On December 19, 2017, the Department redetermined Petitioner's eligibility for ongoing FAP benefits considering his obligation to pay rent.

Petitioner receives SSI and SSP benefits in the gross monthly amount of \$█ which was not disputed during the hearing. Petitioner's adjusted gross income of \$█ was determined by reducing his total income by a \$█ standard deduction and a \$█ deduction for a court ordered child support obligation.

Petitioner is entitled to a \$█ excess shelter deduction, which was determined by reducing his \$█ monthly rent expense by 50% of his adjusted gross income in accordance with BEM 556.

Petitioner's net income of \$ [REDACTED] was determined by reducing his adjusted gross income by his excess shelter deduction as directed by BEM 556. A group of one with a net income of \$ [REDACTED] is entitled to a \$ [REDACTED] monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2017).

Since the Department received verification of Petitioner's rent expenses on December 19, 2017, and this change of circumstances resulted in an increase of his monthly FAP allotment, the Department made this change effective in the first allotment of benefits 10 days after the date of change was reported. Department of Human Services Bridges Assistance Manual (BAM) 220 (January 1, 2018), p 7.

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 eligibility for Food Assistance Program (FAP) benefits effective January 1, 2018. Any subsequent changes to Petitioner's circumstances may affect his eligibility for benefits after January.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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]