



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 2, 2018
MAHS Docket No.: 18-000904
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 26, 2018, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED], Assistance Payment Manager.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) effective October 1, 2017?

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) effective January 1, 2018?

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, 2017, Petitioner applied for FAP benefits.
2. On November 8, 2017, the Department sent Petitioner a Notice of Case Action which notified Petitioner that he had been approved for FAP benefits in the amount of [REDACTED] per month effective October 1, 2017.

3. On December 9, 2017, the Department sent Petitioner a Notice of Case Action which notified Petitioner that his FAP benefits had increased to [REDACTED] per month effective January 1, 2018.
4. On January 17, 2018, Petitioner filed a Request for Hearing disputing the Department's determination of his eligibility for FAP benefits.

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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

MA

The hearing was requested to dispute the Department's action taken with respect to the Medical Assistance (MA) program benefits. Shortly after commencement of the hearing, Petitioner testified that he understood the Department's actions and no longer wished to proceed with the hearing. The Request for Hearing was withdrawn relating to MA benefits. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter relating to MA benefits, the Request for Hearing is **DISMISSED**.

FAP

On October 1, 2017, Petitioner applied for FAP benefits. Petitioner was approved for FAP benefits in the amount of [REDACTED] per month. In October 2017, Petitioner received [REDACTED] in unearned income from the [REDACTED] and [REDACTED] from the [REDACTED]. In October 2017, Petitioner's wife received [REDACTED] from the [REDACTED]. In January 2018, Petitioner's income from the [REDACTED]

██████████ increased from ██████████ to ██████████. Petitioner's wife's income from the ██████████ increase from ██████████ to ██████████.

Based on Petitioner's circumstances, he was eligible to receive standard deduction in the amount of ██████████ for a two-person group size. RFT 255, (October 2017), p. 1. Petitioner acknowledged that he has a rent expense in the amount of ██████████. Petitioner has a heat and electric expense and therefore was entitled to a heat and utility standard of ██████████. RFT 255 (October 2017), p. 1. Based upon Petitioner's housing expense and Petitioner's status as a veteran, he was entitled to receive an excess shelter deduction of ██████████.

The Department testified that it allowed Petitioner a medical deduction in the amount of ██████████ for payment of an insurance premium. Once the standard deduction of ██████████, the medical deduction of ██████████ and the excess shelter deduction of ██████████ are subtracted from his income, his net income is ██████████ per month.

On November 8, 2017, the Department sent Petitioner a Notice of Case Action which notified Petitioner that he had been approved for FAP benefits in the amount of ██████████. On December 9, 2017, the Department sent Petitioner a Notice of Case Action, which notified him that he had been approved for FAP benefits in the amount of ██████████ monthly effective January 1, 2018. Accordingly, based on the information available to the Department, it properly determined that Petitioner was entitled to a FAP benefit amount of ██████████ per month effective November 1, 2017 and ██████████ per month effective January 1, 2018.

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 FAP benefits effective October 1, 2017 and effective January 1, 2018.

DECISION AND ORDER

Petitioner's Request for Hearing relating to MA benefits is **DISMISSED**.

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

JAM/tlf



Jacquelyn A. McClinton

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

Via Email:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]