



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 30, 2018
MAHS Docket No.: 18-002088
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 March 28, 2018, from [REDACTED] Michigan. Petitioner represented herself. The Department was represented by [REDACTED] [REDACTED] Hearing Facilitator.

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. Petitioner is an ongoing Food Assistance Program (FAP) recipient as a group of one and she is considered a senior/disabled/veteran recipient.
2. Petitioner pays her heating and utility expenses as part of her housing expenses.
3. Petitioner has not received the Home Heating Credit in the previous 12 months.
4. On February 5, 2018, the Department notified Petitioner that she was approved for a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, pp 7-12.
5. On February 5, 2018, the Department received Petitioner's request for a hearing protesting the level of Food Assistance Program (FAP) benefits she is receiving. 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.

For all Food Assistance Program (FAP) groups that received the heat and utility standard on or before February 7, 2014, the heat and utility standard will remain in place for a period of five months after the month of their first redetermination or first reported case change occurring on or after May 1, 2014. In order to continue receiving the heat and utility standard beyond the expiration of the five-month period, the Food Assistance Program (FAP) group must meet the requirements of the mandatory heat and utility standard section. FAP recipients qualify for the heat and utility standard deduction by paying heating costs separately from housing expenses, receiving the Home Heating Credit, or a Low-Income Home Energy Assistance Payment. Department of Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), p 15.

In this case, Petitioner is an ongoing FAP recipient as a group of one and she pays her heating and utility expenses as part of her housing expenses. The Department redetermined her eligibility for ongoing FAP benefits finding that she was eligible for a \$█ monthly allotment of FAP benefits. This was a reduction from previous monthly after the Department stopped giving her credit for the heat and utility deduction.

Petitioner does not dispute that she does not pay for heat and utility expenses separately from her housing expenses. Department records indicate that Petitioner last received the Home Heating Credit on April 18, 2015. Therefore, Petitioner is not eligible for the standard heat and utility deduction as directed by BEM 554.

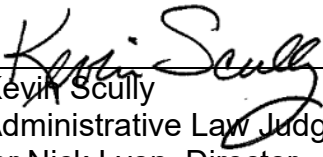
Petitioner testified that she applied for the Home Heat Credit this year, but not before the Department lowered her monthly allotment of FAP benefits. Petitioner testified that she attempted to apply for the Home Heat Credit in each of the two previous tax years, but that she does not file a federal income tax return and that she missed the deadline for the Home Heat Credit each time.

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 February 1, 2018.

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]