



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 4, 2018
MAHS Docket No.: 18-003404
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

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 May 1, 2018, from Lansing, Michigan. Petitioner was present for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly calculate Petitioner's Food Assistance Program (FAP) allotment effective [REDACTED]?

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 recipient of FAP benefits.
2. Per the credible testimony of Petitioner, she received \$ [REDACTED] in FAP benefits for [REDACTED].
3. For [REDACTED], Petitioner received \$ [REDACTED] in FAP benefits.
4. For [REDACTED], Petitioner received \$ [REDACTED] in FAP benefits.

5. On [REDACTED], Petitioner filed a hearing request, protesting her FAP allotment from [REDACTED], ongoing. [Exhibit A, pp. 72-73; Testimony by Petitioner.]

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.

A food assistance worksheet must be completed at initial application and at each redetermination for all approvals, denials and closures made on the basis of income. BEM 556 (July 2013), p. 1. In addition, the worksheet is used to document changes in assets, income and expenses, and to document supplemental benefits. BEM 556, p. 1. The worksheet is not needed to document withdrawn requests or applications as this documentation appears on form DHS-1171, Assistance Application/ Redetermination and/or DHS-1010, Redetermination. BEM 556, p. 1. Specialists must use the automated food assistance budget (Bridges) to complete the required worksheet whenever possible. BEM 556, p. 1. Further, BEM 556 provides a detailed process as to the computing of a FAP budget. BEM 556, pp. 1-7.

In the present case, Petitioner disputed the calculation of her FAP benefits effective [REDACTED], ongoing. [Exhibit A, pp. 72-73; Testimony by Petitioner.] Specifically, Petitioner argued that the Department improperly calculated her medical expense deduction. [Exhibit A, pp. 72-73; BEM 554 (August 2017), pp. 1 and 8-12.]

In response, the Department acknowledged that it improperly calculated Petitioner's FAP allotment from [REDACTED], ongoing. For example, the Department indicated that it was unclear how it calculated Petitioner's total countable unearned income of \$ [REDACTED] for the [REDACTED] budget. [Exhibit A, p. 54.] The Department referenced this example to show that Petitioner's FAP budgets need to be recalculated.

Based on the foregoing information and evidence, the Department did not satisfy its burden of showing that it acted in accordance with Department policy when it calculated Petitioner's FAP benefits for [REDACTED] ongoing. During the hearing, the Department acknowledged that Petitioner's FAP budgets were improperly calculated from [REDACTED], ongoing. As a result, the Department is reversed and it will

recalculate Petitioner's FAP allotment effective [REDACTED], ongoing, in accordance with Department policy. See BEM 554, pp. 1 and 8-12; BEM 556, pp. 1-7.

DECISION AND ORDER

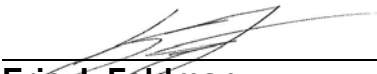
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it calculated Petitioner's FAP benefits effective [REDACTED], ongoing.

Accordingly, the Department's FAP decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Recalculate the FAP budget effective [REDACTED], ongoing;
2. Issue supplements to Petitioner for any FAP benefits she was eligible to receive but did not from [REDACTED], ongoing; and
3. Notify Petitioner of its decision.

EF/hb



Eric J. Feldman
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]