



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 22, 2018
MAHS Docket No.: 18-003824
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 16, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department), Respondent, was represented by [REDACTED], FIS worker. Department Exhibits 1-8 were received and admitted.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP)?

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 a recipient of FAP benefits receiving \$ [REDACTED] per month for a group of three.
2. On [REDACTED], Petitioner requested hearing.
3. Petitioner applied for State Emergency Relief and that application was denied on [REDACTED]. (Exhibit 8)
4. Petitioner has unearned income of \$ [REDACTED] per month.

5. Petitioner has housing expense of \$ [REDACTED] per month.

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 State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In the present case, Petitioner has \$ [REDACTED] unearned income. The standard deduction of \$ [REDACTED] was taken resulting in adjusted income of \$ [REDACTED]. Petitioner has shelter expense of \$ [REDACTED] and does qualify for an excess shelter deduction of \$ [REDACTED]. Subtracting \$ [REDACTED] from \$ [REDACTED] results with \$ [REDACTED]. The Food Assistant Issuance Table shows \$ [REDACTED] in benefit for \$ [REDACTED] net income for a household of three. RFT 260 This is the amount determined by the Department and is correct. Petitioner raised some issues at hearing regarding the reduction of her FAP benefits in the fall of [REDACTED]. That action was more than 90 days prior to the request for hearing and therefore this Administrative Law Judge has no jurisdiction to address those issues.


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 FAP benefits.

Petitioner's request for hearing as it relates to the SER program is DISMISSED because it was untimely. BAM 600

DECISION AND ORDER

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

AM/bb



Aaron McClintic
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) 763-0155; 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]