



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 18, 2018
MAHS Docket No.: 18-003981
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 15, 2018, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator [REDACTED]. [REDACTED] testified on behalf of the Department. The Department submitted 43 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], Petitioner applied for FAP benefits. [Dept. Exh. 1-22].
2. On [REDACTED], the Department mailed Petitioner a Verification Checklist. [Dept. Exh. 23-24].

3. On [REDACTED], the Department mailed Petitioner a Notice of Case Action denying Petitioner FAP benefits from [REDACTED] ongoing. [Dept. Exh. 25-26].
4. On [REDACTED], the Department received Petitioner's requested bank statement. [Dept. Exh. 27-28].
5. On [REDACTED], the Department mailed Petitioner a Notice of Case Action indicating she was approved for \$ [REDACTED] in FAP benefits from [REDACTED], through [REDACTED], and \$ [REDACTED] a month from [REDACTED], through [REDACTED]. [Dept. Exh. 29-31].
6. On [REDACTED], the Department mailed Petitioner a Notice of Case Action indicating her FAP benefits from [REDACTED], through [REDACTED], were increased to \$ [REDACTED] for that month.
7. On [REDACTED], Petitioner called the Department requesting a hearing contesting the amount of 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.

For FAP purposes, all income that is not specifically excluded is countable. BEM 500, p 3 (7/1/2017). Unearned income is all income that is not earned. *Id.* Gross income is the amount of income before any deductions such as taxes or garnishments. *This may be more than the actual amount an individual receives. Id.* p 4 (7/1/2017) (emphasis added). Gross income includes amounts withheld from income for example, voluntary amounts, amounts to repay a debt and amounts to meet a legal obligation. *Id.*

In this case, Petitioner is contesting the allotment of only \$ [REDACTED] a month in FAP benefits. Hearing Facilitator Shana Hook reviewed the budget with Petitioner during the hearing, which determined Petitioner received \$ [REDACTED] in net income. Petitioner agreed that the amounts used in the budget were correct.


Federal regulations at 7 CFR 273.10 provide standards for income and the amount of household benefits. In accordance with the federal regulations, the Department has prepared income and issuance tables which can be found at RFT 260. This issuance table provides that a household size of one with net income of \$477.00 is entitled to a \$48.00 FAP allotment. RFT 260, p 7 (10/1/2017). Therefore, the Department's FAP eligibility determination was correct based on Petitioner's receipt of social security benefits.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it determined Petitioner's FAP allotment.

DECISION AND ORDER

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

VLA/hb



Vicki Armstrong

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

Carisa Drake
190 East Michigan
Battle Creek, MI 49016

Calhoun County (District 21), DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]