



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 1, 2018
MAHS Docket No.: 18-002350
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. The hearing was originally scheduled for April 11, 2018, but was adjourned on April 5, 2018. After due notice, a telephone hearing was held on April 26, 2018, from Lansing, Michigan. Petitioner represented herself. The Department was represented by [REDACTED] Eligibility Specialist.

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 was an ongoing Food Assistance Program (FAP) recipient on [REDACTED], when the Department received her completed Redetermination (DHS-1010), which had been due on [REDACTED]. Exhibit A, pp 3-10.
2. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED]. Exhibit A, pp 11-12.
3. On [REDACTED], the Department received copies of Petitioner's paycheck stubs showing earned income in the gross bi-weekly amount of \$ [REDACTED] received on [REDACTED], and \$ [REDACTED] received on [REDACTED]. Exhibit A, pp 16-19.

4. On [REDACTED], the Department received a Verification of Employment (DHS-38) showing that Petitioner expected to work 15 hours per week at a rate of \$ [REDACTED] per hour. Exhibit A, pp 17-18.
5. On [REDACTED], the Department notified Petitioner that she was approved for Food Assistance Program (FAP) benefits with a \$ [REDACTED] allotment for [REDACTED] of [REDACTED] and a \$ [REDACTED] allotment for February of 2018. Exhibit A, pp 21-24.
6. On [REDACTED], the Department received Petitioner's request for a hearing protesting the amount of her monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, p 2.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2017).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

Income decreases that result in a benefit increase must affect the month after the month the change is reported or occurred, whichever is earlier, provided the change is reported timely. BEM 505, p 10.

Petitioner was an ongoing FAP recipient on [REDACTED], when the Department received Petitioner's Redetermination (DHS-1010), which had been due on [REDACTED]. On [REDACTED] the Department received copies of Petitioner's paycheck stubs. On [REDACTED], the Department received additional paycheck stubs.

On [REDACTED], the Department redetermined Petitioner's eligibility for ongoing FAP benefits. Petitioner's monthly earned income of \$ [REDACTED] was determined by taking the average of her paycheck for the previous 30 days in the gross amounts of \$ [REDACTED] and \$ [REDACTED] and converting that amount to a prospective monthly amount by multiplying by the 2.15 conversion factor as required by BEM 505. Petitioner also receives monthly RSDI in the gross monthly amount of \$ [REDACTED]. Petitioner's monthly adjusted gross income of \$ [REDACTED] was determined by reducing her earned income by the 20% earned income deduction and the \$ [REDACTED] standard deduction.

Petitioner is entitled to a \$ [REDACTED] shelter deduction, which was determined by reducing the sum of her \$ [REDACTED] monthly housing expenses and the \$ [REDACTED] standard heat and utility deduction by 50% of her adjusted gross income.

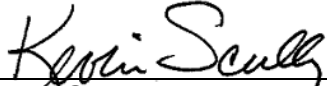
Petitioner's net income of \$ [REDACTED] was determined by reducing her adjusted gross income by the shelter deduction. A group of one with a net income of \$ [REDACTED] is entitled to a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2017).

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 based on the best information available. Petitioner has a duty to provide verification of changes to her circumstances and her eligibility for benefits may also change.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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]

Petitioner

[REDACTED]