



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: May 10, 2018  
MAHS Docket No.: 18-002539  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**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, an in-person hearing was held on May 2, 2018, from Owosso, Michigan. The Petitioner was represented by himself and his authorized representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor and [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly determine the 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. The Petitioner was a recipient of FAP benefits
2. The Petitioner provided verification for another program that was used to verify his continued eligibility for FAP benefits of an income of \$ [REDACTED] from receiving rent payment from his roommate, [REDACTED] that had not previously been reported during his redetermination of November 2017. Department Exhibit 1-2.
3. On February 9, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that his FAP benefits would decrease to \$ [REDACTED] a month due to the additional income. Department Exhibit 3.

4. On February 22, 2018, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
5. On March 29, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that his FAP benefits would decrease to \$ [REDACTED] a month due to the removal of his rental insurance as an allowed deduction. Department Exhibit L-Q.

### **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.

In this case, the Petitioner reported that he received \$ [REDACTED] in rental income from his roommate. His FAP benefits were decreased to \$ [REDACTED] per month because of the unearned income. Subsequently, the Petitioner lost his rental insurance deduction because it is not an allowable expense for FAP. It seems like the Department Caseworker thought he was paying homeowners insurance, which is an allowable expense not renter's insurance. His FAP benefits are currently \$ [REDACTED] a month. RFT 250 and BEM 504.

During the hearing, the Petitioner clarified that the \$ [REDACTED] was for the electric bill for his roommate, [REDACTED], but not for the rent. There are 3 roommates living in the residence of the Petitioner, [REDACTED]. The rent on the residence is \$ [REDACTED] where [REDACTED] pays \$ [REDACTED] and the Petitioner pays \$ [REDACTED]. The Petitioner does not pay \$ [REDACTED] in rent as previously reflected to the Department. As a result, the Department needs to verify how much rent the Petitioner actually pays. The information that the Department used to determine FAP eligibility was the information provided by the Petitioner at that 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 the Petitioner's eligibility for FAP benefits.

**DECISION AND ORDER**

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

*Carmen G. Fahie*

CF/nr

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Carmen G. Fahie  
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]

**Authorized Hearing Rep.**

[REDACTED]

**Petitioner**

[REDACTED]