



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.: 18-003058
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. After due notice, a telephone hearing was held on April 26, 2018, from Lansing, Michigan. Petitioner represented herself. The Department was represented by [REDACTED], Hearing Facilitator.

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. On [REDACTED], Petitioner was an ongoing Food Assistance Program (FAP) recipient when the Department received verification of her monthly housing expenses. Exhibit B.
2. Petitioner pays a \$ [REDACTED] monthly rent and received housing assistance. Exhibit B.
3. Petitioner's heating expenses are included in her housing expenses, but she does have an obligation to pay for electricity. Exhibit A, p C.
4. Petitioner has a telephone expense obligation. Exhibit D.
5. Petitioner receives monthly social security benefits in the gross monthly amount of \$ [REDACTED] Exhibit E.

6. On [REDACTED] the Michigan Administrative Hearing System (MAHS) ordered the Department to redetermine Petitioner's eligibility for Food Assistance Program (FAP) benefits effective [REDACTED]. Exhibit A.
7. On [REDACTED], the Department received Petitioner's request for a hearing protesting the amount of her monthly allotment of Food Assistance Program (FAP) benefits.
8. On [REDACTED], the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of countable medical expenses. Exhibit D.
9. The Department credited Petitioner for countable medical expenses in the monthly amount of \$ [REDACTED] for February of 2018. Exhibit E.

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 Department will consider only the medical expenses of senior/disabled/veteran (SDV) persons in the eligible group or SDV persons disqualified for certain reasons. A FAP group is not required to but may voluntarily report changes during the benefit period. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), pp 8 – 9.

The Medical Expenses amount is determined by totaling allowable monthly medical expenses (rounded to whole dollar amounts) and reducing this amount by a \$ [REDACTED] medical deduction. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (July 1, 2013), p 4.

On [REDACTED], the Department received verification that Petitioner's monthly housing expense consists of rent in the monthly amount of \$ [REDACTED] which includes heating expenses. The Department's representative testified that due to Department error, Petitioner had been receiving credit for the full monthly rent expense, but that Petitioner receives housing assistance for a portion of that expense. No evidence was presented on the record that Petitioner had misrepresented her monthly expenses, but after processing the housing expenses verification, the Department was required to redetermine Petitioner's eligibility for FAP benefits.

Petitioner receives social benefits in the gross monthly amount of \$ [REDACTED] which was not disputed during the hearing. Petitioner's adjusted gross income of \$ [REDACTED] was determined by reducing her totaling monthly income by the \$ [REDACTED] standard deduction and a \$ [REDACTED] countable medical expense, which consists of her verified medical expenses less the \$ [REDACTED] deduction required by BEM 556.

Petitioner has monthly shelter expenses of \$ [REDACTED] which is the sum of her \$ [REDACTED] monthly rent, the \$ [REDACTED] non-heat electric standard deduction and the \$ [REDACTED] standard telephone deduction. Since this amount is less than half of her adjusted gross income, Petitioner is not entitled to a deduction for shelter expenses. BEM 556.

Therefore, Petitioner's net income is the same as her adjusted gross income. A FAP group of one with a net income of \$ [REDACTED] is entitled to a \$ [REDACTED] monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2017), p 13.

The hearing record does not support a finding that Petitioner misrepresented her monthly shelter obligations.

Petitioner testified that her worker called her by the wrong name and that she was not sure if her eligibility for FAP benefits was being determined using her correct information.

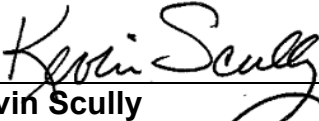
The record evidence supports a finding that Petitioner's eligibility for FAP benefits was properly determined effective [REDACTED], as required by the [REDACTED], hearing Decision and Order. Whether the Department properly determined Petitioner's eligibility before that is not relevant to this hearing decision. Petitioner has a duty to report changes to her circumstances and her eligibility in the future depends on the Department receiving verification of those changes in a timely manner.

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 redetermined Petitioner's eligibility for Food Assistance Program (FAP) benefits effective [REDACTED].

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]