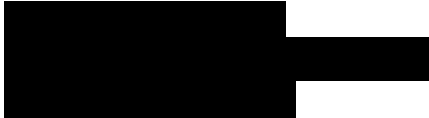




RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: June 20, 2018  
MAHS Docket No.: 18-004769  
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 June 14, 2018, from Lansing, Michigan. Petitioner represented himself and his friend Erin Pardee, testified on his behalf. The Department of Health and Human Services was represented by Shanna Ward, 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. On April 20, 2018, the Department received verification of medical expenses Petitioner incurred from January through March of 2018. Exhibit A, pp 5-7.
2. Petitioner is responsible to pay monthly rent of \$605 that includes heating expenses. Exhibit A, pp 21-26.
3. Petitioner is responsible for paying for electric and telephone service at his home. Exhibit A, pp 21-26.
4. Petitioner is responsible to pay monthly health insurance premiums of \$217.98. Exhibit A, p 27.
5. Petitioner receives monthly Social Security benefits in the gross monthly amount of \$1,101.20. Exhibit A, pp 15-20.

6. Petitioner's wife receives monthly Social Security benefits in the gross monthly amount of \$600.70. Exhibit A, pp 15-20.
7. On April 23, 2018, the Department notified Petitioner that he was approved for ongoing Food Assistance Program (FAP) benefits as a group of two with a \$15 monthly allotment as of June 1, 2018. Exhibit A, pp 10-14.
8. On May 2, 2018, the Department received Petitioner's request for a hearing protesting the level of Food Assistance Program (FAP) benefits he has been granted. Exhibit A, pp 2-3.

### **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 all Food Assistance Program (FAP) groups to continue receiving the heat and utility standard, the Food Assistance Program (FAP) group must meet the requirements of the mandatory heat and utility standard section. The FAP group must pay for heating expenses separate from housing costs, received a Home Heating Credit greater than \$20, or received a LIHEAP payment greater than \$20. Department of Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), pp 1-32.

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. The Department will process changes during the benefit period only if they are one of the following:

- Voluntarily reported and verified during the benefit period such as expenses reported and verified for MA deductible.
- Reported by another source and there is sufficient information and verification to determine the allowable amount without contacting the FAP group.

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 \$35 medical deduction. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (July 1, 2013), p 4.

Petitioner is an ongoing FAP recipient as a group of two. Petitioner and his wife receive benefits from the Social Security Administration in the gross monthly amount of \$1,701. Petitioner has ongoing medical expenses in the monthly amount of \$217.98, which consists of the medical insurance premiums he and his wife are responsible for on a monthly basis. Petitioner's adjusted gross income of \$1,358 was determined by reducing his totaling monthly income by the \$160 standard deduction and his countable medical expenses less the \$35 standard medical deduction as directed by BEM 556. Petitioner is entitled to a deduction for all out of pocket medical expenses incurred, but the hearing record supports a finding that as of June 1, 2018, only his ongoing expenses had been verified.

Petitioner is entitled to a deduction for monthly shelter expenses. Petitioner is responsible for monthly rent of \$605, which includes heating expenses. Petitioner did not receive a home heating credit or LIHEAP payment during the previous 12 months. Petitioner is responsible for costs of electric and telephone service, which entitled him to the standard \$133 and \$32 deductions regardless of his actual expenses. Petitioner's excess shelter deduction of \$91 was determined by reducing the sum of his allowable shelter expenses by 50% of his adjusted gross income.

Petitioner's net income of \$1,267 was determined by reducing his adjusted gross income by the excess shelter deduction. A group of two with a net income of \$1,267 is entitled to a \$15 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 12, 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 countable income and allowable expenses when determining his eligibility for Food Assistance Program (FAP) benefits as of June 1, 2018.

### **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) 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**

Amber Gibson  
5303 South Cedar  
PO BOX 30088  
Lansing, MI 48911

Ingham County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

[REDACTED]

**Authorized Hearing Rep.**

[REDACTED]  
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