



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: July 17, 2018  
MAHS Docket No.: 18-005782  
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 July 11, 2018, from Lansing, Michigan. Petitioner was represented by her Authorized Hearing Representative [REDACTED] [REDACTED] and Petitioner testified on her own behalf. The Department was represented by Amy Turner and Laurreta Gilliland.

**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 is an ongoing Food Assistance Program (FAP) recipient as a group of one.
2. Petitioner receives monthly Supplemental Security Income (SSI) and State Supplemental Security Income (SSP) in the gross monthly amount of \$764. Exhibit A, p 28.
3. On April 27, 2018, the Department received verification that Petitioner is responsible for monthly housing expenses of \$410. Exhibit A, p 5.

4. On May 4, 2018, the Department notified Petitioner that she was eligible for a \$15 monthly allotment of Food Assistance Program (FAP) benefits as of May 1, 2018, based on \$0 housing expenses. Exhibit A, p 7.
5. On May 8, 2018, the Department received verification that Petitioner is responsible for monthly housing expenses of \$410 including utilities. Petitioner is responsible for telephone expenses. Exhibit A, p 11.
6. On May 10, 2018, the Department notified Petitioner that she was eligible for a \$52 monthly allotment of Food Assistance Program (FAP) benefits as of June 1, 2018. Exhibit A, p 13.
7. On May 15, 2018, the Department granted Petitioner a \$37 supplement of Food Assistance Program (FAP) benefits for May of 2018. Exhibit A, p 21.
8. On June 5, 2018, the Department received Petitioner's request for a hearing.

### **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 that received the heat and utility standard on or before February 7, 2014, the heat and utility standard will remain in place for a period of five months after the month of their first redetermination or first reported case change occurring on or after May 1, 2014. In order to continue receiving the heat and utility standard beyond the expiration of the five-month period, the Food Assistance Program (FAP) group must meet the requirements of the mandatory heat and utility standard section. Department of Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), p 15.

Petitioner is an ongoing FAP recipient as a group of one. Petitioner received a total gross monthly income of \$764, which is made up of her SSI and SSP benefits. Petitioner did not dispute the Department's determination of countable income during the hearing. Petitioner's adjusted gross income of \$605 was determined by reducing her total monthly income by the \$160 standard deduction.

Petitioner is eligible for a \$140 excess shelter deduction, which was determined by adding her \$410 monthly rent expenses to the \$32 standard telephone deduction, then reducing that amount by half of her adjusted gross income.


Petitioner's net income of \$464 was determined by reducing her adjusted gross income by her excess shelter deduction. A group of one with a net income of \$464 is entitled to a \$52 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2017), p 7.

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 as of May 1, 2018.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/hb

  
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**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**

Denise Croff  
301 E. Louis Glick Hwy.  
Jackson, MI 49201

Jackson County, DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

[REDACTED]

**Authorized Hearing Rep.**

[REDACTED]