



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: July 20, 2018
MAHS Docket No.: 18-005826
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 July 17, 2018, at the Ingham County Department of Health and Human Services (Department) office in Lansing, Michigan. Petitioner personally appeared and testified.

The Department was represented by Eligibility Specialist Shanna Ward. Ms. Ward testified on behalf of the Department. The Department submitted 42 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility?

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 May 21, 2018, Petitioner submitted an Assistance Application for State Emergency Relief, FAP and Medical Assistance benefits to the Department. [Dept. Exh. 4-17].
2. Petitioner was already receiving FAP benefits at the time of the May 21, 2018 assistance application. [Hearing Summary].
3. On May 22, 2018, the Department mailed Petitioner a Notice of Case Action informing her that her FAP benefits were decreasing to \$83.00 effective

July 1, 2018, as a result of her net income having changed according to the assistance application dated May 21, 2018. [Dept. Exh. 18-22].

4. On June 1, 2018, Petitioner submitted a hearing request contesting the decrease in FAP benefits. [Dept. Exh. 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.

During the hearing in this case, Eligibility Specialist Ward showed that Petitioner's FAP benefits were never actually decreased to \$83.00, because the decrease to \$83.00 was not going into effect until July 1, 2018. By July 1, 2018, Petitioner was no longer employed, and a subsequent redetermination was completed by the Department that increased Petitioner's FAP benefits back to the maximum amount of \$192.00. Records showed Petitioner received \$192.00 a month for the months of May and June 2018. Further, the Department had issued Petitioner an additional supplement in July 2018, so that Petitioner's FAP benefits for the month of July 2018 was \$192.00. As a result, Petitioner's FAP benefits were never decreased.

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 did not decrease Petitioner's FAP benefit allotment of \$192.00 a month.

DECISION AND ORDER

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

VLA/hb



Vicki Armstrong

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

Counsel for Petitioner

Denise Smith
1918 E Michigan Ave
Lansing, MI 48915

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]