



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: July 2, 2018  
MAHS Docket No.: 18-005317  
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, a telephone hearing was held on June 28, 2018, from Lansing, Michigan. [REDACTED] Petitioner's Authorized Representative, appeared on behalf of Petitioner and testified. Petitioner did not appear.

The Department of Health and Human Services (Department) was represented by Eligibility Specialist Brad Reno. Mr. Reno testified on behalf of the Department. The Department submitted 24 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) benefits based on his receipt of Retirement, Survivors and Disability Income (RSDI) from the Social Security Administration?

**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 was receiving FAP benefits at all times pertinent to the issue in this case.

2. On May 15, 2018, the Department mailed Petitioner a Notice of Case Action informing Petitioner his FAP benefits had been decreased to \$15.00 a month beginning June 1, 2018, through November 30, 2018. [Dept. Exh. 9-13].
1. On May 17, 2018, the Department mailed Petitioner a Verification Checklist requesting a copy of Petitioner's RSDI recent check stubs. [Dept. Exh. 14-15].
2. On May 25, 2018, Petitioner filed a copy of the Retirement, Survivors and Disability Insurance from the Social Security Administration, indicating Petitioner received \$425.00 a month in RSDI. [Dept. Exh. 7].

### **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 Department received the paystub of \$425.00 in RSDI benefits that Petitioner was actually receiving on May 25, 2018. This information was in contrast to that received from the Social Security Administration by telephone on April 9, 2018, of \$1,470.00. Therefore, the Eligibility Specialist indicated he was redetermining Petitioner's FAP benefits and a new Notice of Case Action would be sent out upon completion of the redetermination. Petitioner did not contest the solution offered by the Eligibility Specialist.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it decreased Petitioner's FAP benefits.

### **DECISION AND ORDER**


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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS

HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's FAP benefits based on receipt of the actual amount of RSDI Petitioner is receiving.
2. Issue an updated Notice of Case Action after completion of the redetermination.

VLA/hb



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**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**

Lindsay Miller  
125 E. Union St. 7th Floor  
Flint, MI 48502

Genesee County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Authorized Hearing Rep.**

[REDACTED]  
[REDACTED]  
[REDACTED]