



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 3, 2018
MAHS Docket No.: 18-003182
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 May 3, 2018, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Brenda Drewnicki, Hearing Facilitator.

ISSUE

Did the Department properly decrease the Petitioner's Food Assistance (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. At the hearing the Petitioner withdrew her hearing request regarding Medical Assistance benefits on the record stating she no longer required a hearing for these benefits.
2. The Petitioner is an ongoing recipient of FAP benefits.
3. The Department effective April 1, 2018 reduced the Petitioner's FAP benefits to \$15.00 a month. The Petitioner had previously been receiving \$125.00 a month prior to completing a redetermination. Exhibit A
4. The Petitioner completed a Redetermination for April 2018 on March 9, 2018. The Petitioner advised the Department on the Redetermination that she did not receive a home heating credit. Exhibit C

5. The Petitioner is 73 years of age, has unearned income from Social Security of \$820 a month, is a FAP group size of one person, pays rent in the amount of \$236 a month which rent includes heat, electricity and water. The Petitioner pays for her phone and her medical expenses for prescriptions do not exceed \$35.00 a month.
6. The Petitioner requested a timely hearing on [REDACTED], 2018 protesting the reduction of her FAP benefits.

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 Petitioner requested a review of her food assistance (FAP) benefit amount which was reduced by the Department after the Petitioner completed a redetermination. The Department presented the information it relied upon to calculate the Petitioner's FAP benefits. Certain amounts used by the Department in the FAP budget presented were not disputed by the Petitioner. The income was determined to be \$820.00 consisting of SSA benefits and is correct, and the amount of income was confirmed at the hearing by Petitioner. The Department also correctly determined the Petitioner's net income to be \$660 and correctly credited Petitioner with a \$160 standard deduction of \$160 leaving net income of \$660. (\$820 - \$160 = \$660). RFT 255 (October 2014), p. 1.

The Department presented the Petitioner's food assistance budget for April 2018 at the hearing which was reviewed with the Petitioner at the hearing to determine if the monthly FAP benefit of \$15.00 was correct. Exhibit B.

All countable earned and unearned income available to the client must be considered in determining the Petitioner's eligibility for program benefits. BEM 500 (July 2016), pp. 1 – 4. The Department considers the gross amount of money earned or received whether it is earned or unearned income. In Petitioner's case the income she received was unearned and was her Social Security Benefits. Because the Petitioner is 73 years of

age and is considered a senior recipient (SDV) and as such she is entitled to the following deductions if they apply.

The deductions to income on the FAP budget were also reviewed. Petitioner has a FAP group of one member and is a senior/disabled/veteran (SDV) member of the group. BEM 550 (February 2016), pp. 1-2. Groups with one or more SDV members are eligible for the following deductions to income:

- Dependent care expense.
 - Excess shelter.
 - Court ordered child support and arrearages paid to non-household members.
 - Medical expenses for the SDV member(s) that exceed \$35.
 - Standard deduction based on group size.
 - An earned income deduction equal to 20% of any earned income.
- BEM 554 (October 2016), p. 7; BEM 556 (July 2013), p. 3.

In this case, Claimant did not have any earned income and there was no evidence presented that she had any dependent care, or paid child support. The Petitioner did not receive credit for medical expenses because her expenses did not exceed \$35.00. BEM 554. Therefore, the budget properly did not include any deduction for earned income, dependent care expenses, and child support expenses or medical expenses. Based on the confirmed one-person group size, the Department properly applied the \$160 standard deduction. RFT 255 (October 2014), p. 1.

In calculating Claimant's excess shelter deduction, the Department determines the eligible monthly shelter costs incurred for housing. The Department properly included Petitioner's monthly housing expense for rent was \$236.00 and that heat, electricity and water were included in the rent, which was confirmed by the Petitioner. The Department properly included a telephone standard expense of \$32.00 as part of the housing costs. For a total housing expense of \$268 monthly Exhibit B. See BEM 554, pp. 16-19.

A review of the excess shelter deduction budget and Department policy shows that the Department properly determined that the Petitioner had no excess shelter expense as 50% of her net income of \$330 was more than her shelter expense and thus there was no excess shelter expense. Prior to the redetermination, the Department had been including a heat and utility allowance expense of \$537 per month, which increased her housing expenses by \$537. When Petitioner moved to her new apartment, she no longer had this expense. When 50% of her net income is deducted from her shelter expense the result is zero and thus no expense is available to be deducted. Shelter Expense \$268 - \$330 (50% of net income of \$660) = \$0.

In conclusion based upon a net income of \$660 for a FAP group of one person, it is determined that the Department correctly determined the Petitioner's FAP benefit to be reduced to \$15 monthly.

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 decreased the Petitioner's FAP benefits to \$15.00 monthly. RFT 260 (October 2017), p. 9.

The Petitioner withdrew her hearing request dated [REDACTED] 2018 regarding Medical Assistance on the record at the hearing as she no longer required a hearing on that issue.

DECISION AND ORDER

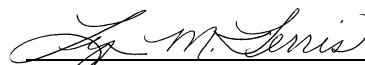
Accordingly, the Department's decision regarding reduction of FAP benefits is

AFFIRMED.

The Petitioner's [REDACTED] 2018 Request for Hearing regarding Medical Assistance is hereby **DISMISSED.**

IT IS SO ORDERED.

LF/tm



Lynn M. Ferris

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

Tolisha Bates
21885 Dunham Road
Clinton Twp., MI
48036

Petitioner

[REDACTED]
[REDACTED]
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cc: FAP: M. Holden; D. Sweeney
AP Specialist-Macomb