



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: August 3, 2018  
MAHS Docket No.: 18-006388  
Agency No [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**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 July 26, 2018, from Lansing, Michigan. Petitioner was represented by himself, his grandmother, [REDACTED], and his aunt, [REDACTED]. The Department of Health and Human Services (Department) was represented by Ashley Roth, Eligibility Specialist.

**ISSUE**

Did the 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 [REDACTED], 2018, Petitioner applied for FAP benefits.
2. On May 30, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that Petitioner was eligible of FAP benefits for a group size of two for \$204 for May 14, 2018, through May 31, 2018, and \$15 for June 1, 2018, ongoing. Department Exhibit 1, pgs. 4-6.
3. On June 22, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.

### **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, Petitioner applied for FAP benefits on [REDACTED], 2018. On May 30, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that Petitioner was eligible of FAP benefits for a group size of 2 for \$204 for May 14, 2018, through May 31, 2018, and \$15 for June 1, 2018, ongoing. Department Exhibit 1, pgs. 4-6. On June 22, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.

As a result of excess income, Petitioner had a decrease in FAP benefits. Petitioner had earned income of \$2,093. After deductions from his gross income of \$2,093 of \$419 earned income deduction, and a \$160 standard deduction, this results in an adjusted gross income of \$1,514. Petitioner was given a total shelter deduction of \$937, resulting from a housing expense of \$400 and heat and utility standard of \$537. Petitioner was given an adjusted excess shelter deduction of \$180, with a total shelter deduction of \$937, minus 50% of adjusted gross income of \$757. Petitioner had a net income of \$1,354, which was the adjusted gross income of \$1,514 minus the excess shelter deduction of \$180. With a net income of \$1,354, Petitioner qualified with a household group size of 2 for a maximum benefit of \$352 plus \$0 in economic recovery minus 30% of net income of \$401, resulting in a net benefit amount of \$15. Department Exhibit 1, pgs. 7-9. BEM 550 and 554.

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 that Petitioner was only eligible for \$15 per month in FAP benefits for a group size of 2 due to earned income.

**DECISION AND ORDER**

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

CF/dh



**Carmen G. Fahie**

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**

Heather Englehart  
1509 Washington, Ste. A  
PO BOX 1609  
Midland, MI 48641

Midland County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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