



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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Date Mailed: August 31, 2018  
MAHS Docket No.: 18-006491  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE:** John Markey

**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 August 21, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Linda Perkins, Pathways Success Coach.

**ISSUE**

Did the Department properly redetermine Petitioner's Food Assistance Program (FAP) benefits, effective July 2018?

**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 an ongoing FAP recipient with a group size of five.
2. Prior to July of 2018, Petitioner was receiving \$760.00 per month in FAP benefits.
3. On May 4, 2018, the Department issued to Petitioner a Redetermination, Form 1010, to obtain relevant ongoing eligibility information from Petitioner. Petitioner's responses were due by June 1, 2018.

4. On May 23, 2018, Petitioner returned the completed Redetermination. On the Redetermination, Petitioner indicated that one of the members of her group, [REDACTED], was working at [REDACTED].
5. The Department ran [REDACTED]' information through The Work Number database, which provided [REDACTED]' income information.
6. The Department took that information into account and recalculated Petitioner's FAP benefits.
7. On June 25, 2018, the Department issued a Notice of Case Action to Petitioner informing Petitioner that her new monthly FAP benefit amount would be \$468.00, effective July 1, 2018.
8. On June 25, 2018, Petitioner filed a hearing request objecting to the reduction of her FAP benefits.
9. On June 29, 2018, the Department issued a Notice of Case Action to Petitioner informing Petitioner that her new monthly FAP benefit amount would be \$483.00, effective July 1, 2018.

### **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 the present case, Petitioner reported to the Department on Redetermination that one of the members of her group had income. Before that report, the Department was budgeting Petitioner's benefits based upon an income of [REDACTED]. During the hearing, Petitioner agreed that the Department's budgeted monthly earned income of \$1,465.00 for her group was accurate.

All of Petitioner's income is eligible for the earned income deduction of 20%, thus reducing Petitioner's household's countable income to [REDACTED]. The standard deduction of \$199.00 was then taken out, resulting in adjusted gross income of [REDACTED].

Petitioner is not eligible for a deduction for child care, medical, or child support expenses.

However, Petitioner is eligible for the excess shelter deduction. Petitioner had no housing costs but was eligible for the heating and utility standard, which brought Petitioner's total shelter amount to \$537.00. The excess shelter deduction is calculated by subtracting from the \$537.00 one half of the adjusted gross income, which is [REDACTED]. The remaining amount is the excess shelter deduction. In this case, the remaining amount is \$51.00. Petitioner's net income of [REDACTED] is calculated by subtracting the excess shelter amount (\$51.00) from the adjusted gross income ([REDACTED]).

The Food Assistant Issuance Table shows \$483.00 in benefits for \$922.00 net income for a household of five. RFT 260 (October 1, 2017), p. 13. This is the amount determined by the Department and is correct. 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 redetermined Petitioner's FAP benefits, effective July 2018.

#### **DECISION AND ORDER**

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 redetermined Petitioner's FAP benefits. Accordingly, the Department's decision is **AFFIRMED**.

JM/dh



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**John Markey**  
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 Ezell  
3040 W Grand Blvd STE 5-450  
Detroit, MI 48202

Wayne County (District 23), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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