



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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

Date Mailed: August 10, 2018
MAHS Docket No.: 18-006664
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 31, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Mark Boyd, Family Independence Manager.

ISSUE

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

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. Department Exhibit 1, pgs. 1-13.
2. Petitioner has a household composition of 1 with Social Security income from RSDI of [REDACTED]. Department Exhibit 1, pgs. 14-16.
3. Petitioner provided verification from a lease signed on June 19, 2015, that his base rent was \$610, but no verification was submitted that he paid for his utilities outside of his rent obligation. Department Exhibit 1, pgs. 19-21.

4. On April 11, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that he was eligible for \$15 effective April 1, 2018, ongoing. Department Exhibit 1, pgs. e-h.
5. On June 29, 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 the instant case, Petitioner stated during the hearing that he should be eligible for the heat and utility standard. However, Petitioner failed to submit verification that he paid for his utilities separate from his rent. The Department Caseworker stated that Petitioner's utilities are included in his rent except for telephone. Petitioner was given the telephone standard deduction.

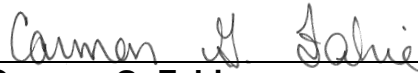
As a result of excess income, Petitioner did not qualify for the maximum amount of FAP benefits. Petitioner had unearned income of [REDACTED]. After deductions from his gross income of [REDACTED] of \$160 standard deduction, he had an adjusted gross income of [REDACTED]. Petitioner was given a total shelter deduction of \$642, resulting from a housing expense of \$610 and telephone standard of \$32. Petitioner was given an adjusted excess shelter deduction of \$219, with a total shelter deduction of \$642 minus 50% of adjusted gross income of [REDACTED]. Petitioner had a net income of [REDACTED], which was the adjusted gross income of [REDACTED] minus the excess shelter deduction of \$219. With a net income of [REDACTED], Petitioner qualified with a household group size of 1 for a maximum benefit of \$192 plus \$0 in economic recovery minus 30% of net income of [REDACTED], resulting in a net benefit amount of \$15. Department Exhibit 1, pgs. b-d.

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 in FAP benefits because he was not eligible for the heat and utility standard.

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

Richard Latimore
4733 Conner
Detroit, MI 48215

Wayne County (District 57), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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