



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

██████████
██████████
██████████ MI ██████████

Date Mailed: August 24, 2018
MAHS Docket No.: 18-006767
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 1, 2018, from Lansing, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Richkelle Curney, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount for July of 2018 ongoing?

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.
2. On May 1, 2018, the Department issued to Petitioner a Mid-Certification Contact Notice that required Petitioner to report and changes that could impact eligibility. The Department informed Petitioner that he had until June 1, 2018 to return the document to the Department.
3. On June 10, 2018, the Department issued to Petitioner a Notice of Potential Food Assistance (FAP) Closure effective June 30, 2018. The document informed

Petitioner that the Department could not issue Petitioner further benefits until he returned the Mid-Certification Contact Notice.

4. On June 19, 2018, Petitioner returned to the Department the completed Mid-Certification Contact Notice.
5. The Department issued Petitioner a June 19, 2018, Notice of Case Action informing Petitioner that, based on the information provided, Petitioner's monthly FAP benefits increased from \$15.00 per month to \$192.00 per month starting July of 2018.
6. On June 29, 2018, Petitioner submitted a request for hearing disputing the Department's actions regarding his FAP benefit amount.

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.

Petitioner objects to the amount of FAP benefits he receives as conveyed to him in the June 19, 2018, Notice of Case Action. The maximum monthly FAP benefits available to a client who is the only member of a one-person group is \$192.00. RFT 260 (October 2017), page 1. The June 19, 2018, Notice of Case Action increased Petitioner's benefits to \$192.00 per month, the maximum amount, based on Petitioner's post-deduction monthly net income of [REDACTED]. Thus, Petitioner cannot receive any more in FAP benefits than he already is. During the hearing, the Department and Petitioner agreed that his benefits were properly determined to be \$192.00 per month starting July 1, 2018. The Department followed policy and correctly determined Petitioner's FAP benefits.

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 determined Petitioner's FAP benefit amount. Accordingly, the Department's decision is **AFFIRMED**.



JM/dh

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

Tara Roland 82-17
8655 Greenfield
Detroit, MI 48228

Wayne County (District 17), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

██████████
██████████
██████ MI ██████