



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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Date Mailed: September 5, 2018
MAHS Docket No.: 18-007763
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 30, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Dionere Craft, Hearings Facilitator, and Lashanda Lejeune, Eligibility Specialist. During the hearing, a two-page document was offered and admitted as Exhibit A, pp. 1-2.

ISSUE

Did the Department properly redetermine Petitioner's Food Assistance Program (FAP) benefits, effective August 1, 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 applied for FAP benefits with a household size of one.
2. Petitioner had monthly unearned income of ██████████ and no medical, child support, or housing expenses.
3. On July 16, 2018, the Department issued a Notice of Case Action to Petitioner informing Petitioner that her FAP application had been approved and that she would receive \$15 per month in FAP benefits. Exhibit A, pp. 1-2.

4. On July 24, 2018, Petitioner filed a hearing request objecting to the Department's calculation of her monthly 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 the present case, Petitioner reported to the Department that she had \$754 in monthly unearned income. She further informed the Department that she did not have any housing costs, did not receive a LIHEAP or home heating credit, and had no other deductible expenses. During the hearing, Petitioner agreed that the Department's budgeted monthly unearned income of [REDACTED] was accurate. She further confirmed that none of the other deductions were applicable except for the \$133 non-heat electric standard, which was taken into consideration in calculating Petitioner's FAP benefits.

Petitioner had total income of [REDACTED], all of which was unearned. The standard deduction of \$154 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.

Likewise, Petitioner is not eligible for the excess shelter deduction. Petitioner had no housing costs and was not eligible for the heat/utility standard, but she was eligible for the non-heat electric standard, which brought Petitioner's total shelter amount to \$133. The excess shelter deduction is calculated by subtracting from the \$133 one half of the adjusted gross income, which is [REDACTED]. The remaining amount, if it is greater than \$0, is the excess shelter deduction. In this case, the remaining amount is less than \$0. As no deductions apply, Petitioner's net income is equal to her adjusted gross income of [REDACTED].

The Food Assistant Issuance Table shows \$15 in benefits for [REDACTED] net income for a household of one. RFT 260 (October 1, 2017), p. 10. 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 determined Petitioner's FAP benefits, effective August 1, 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 determined Petitioner's FAP benefits. 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

Clarence Collins
12140 Joseph Campau
Hamtramck, MI 48212

Wayne County (District 55), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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