



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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

Date Mailed: September 21, 2018
MAHS Docket No.: 18-008116
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on September 13, 2018, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Lavina Greesham.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for the 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 January 24, 2018, the Department notified Petitioner that her application for State Emergency Relief (SER) had been denied. Exhibit 1.
2. On June 1, 2018, the Department sent Petitioner a Mid-Certification Contact Notice (DHS-2240-A). Exhibit 3.
3. On July 10, 2018, the Department sent Petitioner a Notice of Potential Food Assistance (FAP) Closure (DHS-2240-B). Exhibit 2.
4. On July 28, 2018, the Department notified Petitioner that she was approved for Food Assistance Program (FAP) benefits with a \$100 monthly allotment of benefits. Exhibit 5.

5. On July 31, 2018, the Department received Petitioner's request for a hearing. Exhibit 1.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2017).

On June 1, 2018, the Department sent Petitioner a Mid-Certification Contact Notice, which was not returned in a timely manner. Petitioner's FAP benefits did not close as directed by policy. Later, the Department did receive information sufficient to determine Petitioner's eligibility for FAP benefits and notified Petitioner on July 28, 2018, that she remained eligible for ongoing FAP benefits without interruption.

Petitioner's adjusted gross income of \$█ was determined by reducing her gross monthly income by the \$154 standard deduction, which was reduced beginning August 1, 2018. Petitioner did not dispute the determination of her countable monthly income during the hearing.

Petitioner is eligible for a deduction for shelter expenses in the monthly amount of \$325. This amount was determined by adding her monthly obligation of \$102.74 for housing to the \$537 standard heat and utility deduction, then subtracting 50% of her adjusted gross income. Petitioner is not entitled to a deduction for telephone expenses and water expenses because she receives the heat and utility deduction as directed by BEM 554.

Petitioner testified that she is responsible for insurance on her home but failed to establish that the Department was aware of these expenses before July 28, 2018.

Petitioner's net income of \$[REDACTED] was determined by reducing her adjusted gross income by the shelter expense deduction. A group of one with a net income of \$[REDACTED] is entitled to a \$100 monthly allotment of FAP benefits.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Petitioner applied for State Emergency Relief (SER) benefits seeking assistance with past due property taxes. The Department denied Petitioner's SER application. Petitioner withdrew her request for a hearing with respect to her SER application.

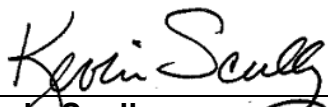
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined Petitioner's eligibility for Food Assistance Program (FAP) benefits effective August 1, 2018, based on the best information available at that time.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

Petitioner's request for a hearing is DISMISSED with respect to the State Emergency Relief (SER) only because she withdrew her hearing request on the record.

KS/hb



Kevin Scully
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 McCoggle
27260 Plymouth Rd
Redford, MI 48239

Wayne County (District 15), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]