



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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

Date Mailed: September 20, 2018
MAHS Docket No.: 18-008214
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 12, 2018, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Natalie McLaurin.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

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 June July 24, 2018, the Department received notice that a member of Petitioner's household was no longer in the home. Exhibit A, p 5.
2. On July 24, 2018, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits as a group of one with a \$79 monthly allotment effective September 1, 2018. Exhibit A, pp 8-11.
3. Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$[REDACTED] Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$[REDACTED] and State Supplemental Security Income (SSP) in the gross monthly amount of \$[REDACTED] Exhibit A, pp 19-20.
4. Petitioner is responsible for a monthly housing expense of \$32.44 and is responsible for paying for utilities at her home. Exhibit A, pp 26-28.

5. On July 31, 2018, the Department received Petitioner's request for a hearing protesting the Department's determination of her eligibility for Food Assistance Program (FAP) benefits. Exhibit A, pp 2-3.

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 July 24, 2018, the Department determined Petitioner's eligibility for FAP benefits as a group of one based on her circumstances known to the Department at that time. Petitioner receives a gross monthly income of \$[REDACTED] which was determined from the total of her SSI, RSDI, and SSP benefits. SSP benefits are issued quarterly and a prospective monthly amount was determined by dividing the quarterly benefits by three as directed by BEM 505. Petitioner's monthly adjusted gross income was determined by reducing her totaling income by the \$154 standard deduction, which had decreased from \$160 due to a change in policy. Department of Health and Human Services Reference Table Manual (RFT) 255 (August 1, 2018), p 1.

Petitioner is entitled to a deduction for shelter expenses in the monthly amount of \$254. Petitioner's monthly housing expenses were determined by dividing her annual property tax obligation by 12 months. Petitioner is also entitled to the standard \$537 heat and utility deduction. RFT 255. Petitioner's excess shelter deduction was determined by subtracting 50% of her adjusted gross income by the sum of her housing expense and the heat and utility deduction as directed by BEM 556. No evidence that Petitioner has

provided documentation of any other countable housing expenses before July 24, 2018, was presented on the record.

Petitioner's monthly net income of \$[REDACTED] was determined by reducing her adjusted gross income by her excess shelter deduction. A group of one with a net income of \$[REDACTED] is entitled to a \$79 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2017), p 6.

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 September 1, 2018.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

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

Kathleen Verdoni
411 East Genesee
PO Box 5070
Saginaw, MI 48607

Saginaw County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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