



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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

Date Mailed: September 18, 2018  
MAHS Docket No.: 18-008215  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 September 13, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. Also appearing on behalf of Petitioner was Petitioner's mother, [REDACTED]. The Department of Health and Human Services (Department) was represented by Gregory Folsom, Hearings Facilitator. During the hearing, a packet consisting of 49 pages was offered and admitted as Exhibit A, pp. 1-49.

**ISSUE**

Did the Department properly determine Petitioner's FAP benefits, effective September 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 is an ongoing recipient of FAP benefits.
2. On May 4, 2018, the Department issued to Petitioner a Redetermination in order to gather relevant information regarding Petitioner's ongoing eligibility for FAP benefits. Exhibit A, pp. 4-11.

3. On May 15, 2018, Petitioner returned the completed Redetermination to the Department. Petitioner also participated in an interview as part of the Redetermination process. Exhibit A, pp. 4-11.
4. During the Redetermination process, Petitioner represented to the Department that she had monthly unearned income of [REDACTED], paid \$355 per month in rent, and had no other income or expenses. Exhibit A, pp. 4-11.
5. On July 21, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her FAP benefits would be decreased to \$33 per month, effective September 1, 2018. Exhibit A, pp. 43-46.
6. On August 7, 2018, Petitioner submitted to the Department a request for hearing with respect to the Department's calculation of her FAP monthly 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.

Petitioner objects to the Department's calculation of her monthly FAP benefits. The Department calculated Petitioner's FAP benefit amount for September of 2018 ongoing by taking into account Petitioner's reported and verified income and expense information. 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 did not report any child care, medical, or child support expenses. Thus, those deductions are not applicable.

However, Petitioner is eligible for the excess shelter deduction. Petitioner had housing costs of \$355 and was eligible for the telephone standard of \$32. Petitioner was not eligible for the heating and utility standard, as she reported that her \$355 per month housing cost included all utilities. Thus, Petitioner was not responsible for any utility payments. Adding the expenses Petitioner qualified for together, Petitioner had monthly shelter expenses of [REDACTED]. The excess shelter deduction is calculated by subtracting from the \$387 one half of the adjusted gross income of [REDACTED], which is [REDACTED]. The remaining amount, if it is greater than \$0, is the excess shelter deduction. In this case,


the remaining amount is [REDACTED], which the Department properly calculated as Petitioner's excess shelter deduction. Exhibit A, p. 42. Petitioner's net income of [REDACTED] is calculated by subtracting the excess shelter deduction ([REDACTED]) from the adjusted gross income ([REDACTED]), which is what the Department properly found. Exhibit A, p. 41.

The Food Assistant Issuance Table shows \$33 in benefits for [REDACTED] net income for a household of one. RFT 260 (October 2017), p. 8. This is the amount determined by the Department and is correct. The Department acted in accordance with Department policy when it determined Petitioner's FAP benefits for September of 2018 ongoing.

### **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 for September of 2018 ongoing. Accordingly, the Department's decision is **AFFIRMED**.

JM/dh

  
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**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**

Mark Epps  
4809 Clio Road  
Flint, MI 48504

Genesee County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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