



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: October 4, 2018  
MAHS Docket No.: 18-008992  
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 October 2, 2018, from Lansing, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Holly Paniwozik, Assistance Payments Worker, and Kelly Hudson, Family Independence Manager. During the hearing, a 29-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-29.

### **ISSUE**

Did the Department properly process Petitioner's [REDACTED], 2018, application 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 [REDACTED], 2018, Petitioner filed with the Department an application for FAP benefits. Exhibit A, pp. 4-9.
2. On the application, Petitioner informed the Department that he had monthly income of \$759.50, all unearned, and monthly housing expenses of \$400. Petitioner further informed the Department that he had no utility or other expenses. Exhibit A, pp. 4-9.

3. On August 22, 2018, Ms. Paniwozik conducted a telephone interview with Petitioner. During the interview, Petitioner acknowledged that his only expense was \$400 in rent. Exhibit A, pp. 10-11.
4. On August 22, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that he was approved for monthly FAP benefits of \$48, effective September 1, 2018. Further, Petitioner was approved for FAP benefits of \$17 for the time period from August 21, 2018, through August 31, 2018. Exhibit A, pp. 26-29.
5. On August 27, 2018, Petitioner filed with the Department a request for hearing challenging the Department's calculation of his 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 has challenged the Department's findings regarding Petitioner's monthly FAP benefits amount. On Petitioner's [REDACTED], 2018, application for FAP benefits, Petitioner reported to the Department that he had \$759.50 in monthly unearned income. He further informed the Department that his only housing expense was \$400 in monthly rent, he did not receive a LIHEAP or home heating credit, and he had no other deductible expenses except for a phone bill.

The Department, in calculating Petitioner's monthly FAP benefits, used a monthly unearned income amount of \$813 but applied the child support deduction of \$53.50. It became clear at the hearing that Petitioner was in fact issued \$813 in monthly unearned income but that \$53.50 is taken out before it gets to Petitioner, resulting in Petitioner's belief that he receives \$759.50 per month. As the Department's income amount when taking into account the child support deduction is identical to Petitioner's reported unearned income, there was no error in considering Petitioner's unearned income and child support expenses. When one deducts from the \$813 the child support deduction of \$53.50 and the standard deduction of \$154, it results in an adjusted gross income of \$606. Petitioner is not eligible for any other deductions for medical or child care expenses.

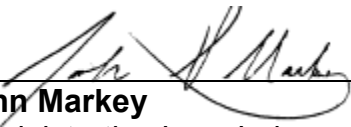
Petitioner is eligible for the excess shelter deduction. Petitioner had housing costs of \$400 and was eligible for the telephone standard of \$32. However, Petitioner was not responsible for any utility payments. Adding the expenses Petitioner qualified for together, Petitioner had monthly shelter expenses of \$432. The excess shelter deduction is calculated by subtracting from the \$432 one half of the adjusted gross income of \$606, which is \$303. The remaining amount, if it is greater than \$0, is the excess shelter deduction. In this case, the remaining amount is \$129, which the Department properly calculated as Petitioner's excess shelter deduction. Exhibit A, pp. 22-24. Petitioner's net income of \$477 is calculated by subtracting the excess shelter deduction (\$129) from the adjusted gross income (\$606), which is what the Department properly found. Exhibit A, pp. 22-24.

The Food Assistant Issuance Table shows \$48 in benefits for \$477 net income for a household of one. RFT 260 (October 2017), p. 7. 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 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. Accordingly, the Department's decision is **AFFIRMED**.

JM/hb

  
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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**

Kimberly Kornoelje  
121 Franklin SE  
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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