



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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

Date Mailed: October 12, 2018  
MAHS Docket No.: 18-009076  
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 October 4, 2018, from Lansing, Michigan. Petitioner represented herself, and her daughter [REDACTED] translated for her during the hearing. The Department was represented by Rachela Hall.

**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 or around [REDACTED], 2018, the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a group of one.
2. In August of 2018, Petitioner received monthly Supplemental Security Income (SSI) in the gross monthly amount of \$[REDACTED] and State Supplemental Security Income (SSP) in the gross monthly amount of \$[REDACTED] Exhibit A, pp 10-12.
3. On July 31, 2018, the Department notified Petitioner that she is eligible for Food Assistance Program (FAP) benefits with a \$77 monthly allotment effective August 1, 2018. Exhibit A, pp 13-16.

4. On September 4, 2018, the Department received Petitioner's request for a hearing protesting her current level of Food Assistance Program (FAP) benefits. Exhibit A, pp, 4-5.

### **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.

Housing expenses must be verified and will not be counted unless they are verified. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), p 14.

Eligible FAP recipients receive benefits from the date of application and will receive prorated benefits for the application month unless the amount is less than \$10. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (April 1, 2018), pp 6-7.

Petitioner applied for FAP benefits. The hearing record supports a finding that Petitioner received income totaling \$[REDACTED] in August of 2018. Petitioner's adjusted gross income of \$[REDACTED] was determined by reducing her total monthly income by the \$154 standard deduction.

Petitioner reported housing expenses of \$500 per month in the previous three months, which include heat and utilities. Petitioner reported that she is responsible for telephone service expenses. Petitioner's excess shelter deduction of \$227 was determined by adding her \$500 housing expenses to the \$32 standard telephone service deduction, then subtracting 50% of her adjusted gross income.

Petitioner's 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 \$77 monthly allotment of FAP benefits.


Petitioner testified that her monthly housing expenses are \$550 and not \$500, but failed to establish that she reported or verified this fact to the Department. This Administrative Law Judge finds that the Department used the best information available to determine Petitioner's eligibility for FAP benefits.

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 as of August 1, 2018.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/hb

  
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**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**

Randa Chenault  
25620 W. 8 Mile Rd  
Southfield, MI 48033

Oakland County (District 3), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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

**Authorized Hearing Rep.**

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