



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 13, 2018
MAHS Docket No.: 18-010150
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 31, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Crystal Hackney, Assistance Payments Supervisor. During the hearing, 36 pages of documents were offered and admitted as Exhibit A, pp. 1-36.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits, effective November 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 September 19, 2018, Petitioner reported to the Department that she had returned to work.
3. On September 20, 2018, the Department issued to Petitioner a Notice of Case Action that incorporated her newly reported income. The Notice of Case Action informed Petitioner that she was eligible for \$15 per month in FAP benefits. Additionally, Petitioner was notified that she would not receive those \$15 because

they were being withheld to repay an overissuance of benefits Petitioner had previously received. Exhibit A, pp. 12-16.

4. On [REDACTED] 2018, Petitioner contacted the Department via telephone and verbally requested a hearing challenging the Department's calculation of her 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.

Petitioner objects to the Department's calculation of her monthly FAP benefits. The Department calculated Petitioner's FAP benefit amount for November of 2018 ongoing by taking into account Petitioner's reported and verified income and expense information. Petitioner had total income of \$1,671, all of which was earned. All of Petitioner's earned income is eligible for the earned income deduction of 20%, thus reducing Petitioner's total income to \$1,336. The standard deduction of \$158 was then taken out, resulting in adjusted gross income of \$1,178. Petitioner did not report any child care, medical, or child support expenses. Thus, those deductions are not applicable.

Likewise, Petitioner is not eligible for the excess shelter deduction. Petitioner had housing costs of \$300 and was eligible for the telephone standard of \$31. Petitioner was not eligible for the heating and utility standard, as she reported that her \$300 per month housing costs 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 \$331. The excess shelter deduction is calculated by subtracting from the \$331 one half of the adjusted gross income of \$1,178, which is \$589. The remaining amount, if it is greater than \$0, is the excess shelter deduction. In this case, the remaining amount is less than \$0. Accordingly, Petitioner was not eligible for the excess shelter deduction, leaving her net income the same as her adjusted gross income of \$1,178. Exhibit A, pp. 33-35.

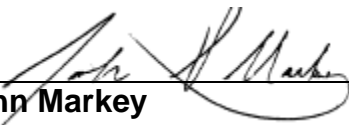
The Food Assistant Issuance Table shows \$15 in monthly benefits for \$1,178 net income for a household of two. RFT 260 (October 2018), p. 17. This is the amount

determined by the Department and is correct. The Department acted in accordance with Department policy when it determined Petitioner's FAP benefits for November 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 November of 2018 ongoing. Accordingly, the Department's decision is **AFFIRMED**.

JM/dh



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

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

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