



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: December 10, 2018
MAHS Docket No.: 18-011379
Agency No.: [REDACTED]
Petitioner: [REDACTED]m

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 December 5, 2018, from Detroit, Michigan. The Petitioner represented himself. [REDACTED] Petitioner's daughter, served as an Arabic interpreter for the hearing. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly determine that Petitioner's group was eligible to receive Food Assistance Program (FAP) benefits in the amount of [REDACTED] per month 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. Petitioner reported that one of his daughters moved out of the family home.
3. Petitioner has a group size of six following the removal of his daughter from the group.
4. The family receives [REDACTED] in Social Security Income.

5. On October 12, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that his group was eligible to receive [REDACTED] in FAP benefits effective November 1, 2018.
6. On October 23, 2018, Petitioner filed a Request for Hearing disputing the Department's actions.

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 this case, Petitioner submitted a Change Report which was received by the Department on October 23, 2018. In the Change Report, Petitioner reported that one of his daughters had moved out of the home. As a result of the change, the Department redetermined the group's eligibility for FAP benefits.

The Department testified that the household income is [REDACTED] per month which includes: [REDACTED] in Social Security Income received by Petitioner and [REDACTED] each in Social Security Income received by his wife, and three of four children residing in the household.

The Department presented a budget in support of its assertion that Petitioner is entitled to [REDACTED] per month in FAP benefits. Based on Petitioner's circumstances, the group was eligible to receive a standard deduction in the amount of [REDACTED] for a six-person group size. RFT 255, (August 2018), p. 1. The Department provided the group with a housing expense of [REDACTED]. It should be noted that based upon Petitioner's testimony, his actual housing expense is approximately [REDACTED] per month. However, the higher amount is more beneficial to the Petitioner and given that it was presented by the Department, it will be used to determine whether the Department properly calculated Petitioner's FAP benefits. Petitioner has a heat and electric expense and therefore was entitled to a heat and utility standard of [REDACTED]. *Id.* Based upon Petitioner's housing expense, the group was entitled to receive an excess shelter deduction of [REDACTED]. Once the standard deduction and shelter deduction are subtracted from group's income, the net income is [REDACTED].

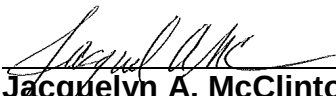
On October 12, 2018, the Department sent Petitioner a Notice of Case Action, which notified her that the group had been approved for FAP benefits in the amount of [REDACTED] monthly effective November 1, 2018. Accordingly, based upon a net income of [REDACTED], the Department properly determined that Petitioner's group was entitled to a FAP benefit amount of [REDACTED] per month. RFT 260 (October 2017), p. 21.

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 that Petitioner was eligible for FAP benefits in the amount of [REDACTED] per month effective November 1, 2018.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

JAM/tlf



Jacquelyn A. McClinton
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

Via Email:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]