



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: January 17, 2019
MAHS Docket No.: 18-013155
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on January 16, 2019, from Lansing, Michigan. Petitioner's representative, [REDACTED] [REDACTED] appeared on Petitioner's behalf. Assistance Payments Supervisor, Maia Elvine-Fair, appeared for the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. An 8-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility?

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 a FAP recipient.
2. Petitioner has a household size of one, Petitioner has a monthly gross income from social security of \$[REDACTED] Petitioner is responsible for paying \$220.00 per month in rent, and Petitioner is responsible for paying for her own heat utility.
3. On December 8, 2018, the Department issued a Notice of Case Action which notified Petitioner that her FAP benefit was going to be decreased to \$72.00 per

month effective January 1, 2019. Petitioner had been receiving a FAP benefit of \$192.00 per month.

4. On December 10, 2018, Petitioner filed a hearing request to dispute the reduction of her FAP benefit.
5. On December 12, 2018, the Department issued a Notice of Case Action which notified Petitioner that her FAP benefit was going to be increased to \$138.00 per month effective January 1, 2019.
6. Petitioner still disagreed with the reduction of her FAP benefit from \$192.00 per month.

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.

The Department determines a client's monthly FAP benefit amount by determining the client's group size and countable household income and then looking that information up in its applicable Food Issuance Table. BEM 212 (January 1, 2017), BEM 213 (January 1, 2018), BEM 550 (January 1, 2017), BEM 554 (August 1, 2017), BEM 556 (April 1, 2018), and RFT 260 (October 1, 2017). To determine a client's countable income, the Department considers the expenses and deductions that a client is entitled to such as the standard deduction and excess shelter expense.

Petitioner's countable income for January 2019 was \$ [REDACTED]. Petitioner was entitled to a standard deduction of \$158.00 for a household size of one, so Petitioner's income net of the standard deduction was \$ [REDACTED]. The excess shelter expense is the shelter expense amount that is deductible from a client's income, which is calculated by subtracting the sum of a client's rent and the heat/utility standard from 50% of the client's income net of the standard deduction. BEM 554 (August 1, 2017), BEM 556 (April 1, 2018), and RFT 255 (October 1, 2018). Petitioner's excess shelter expense was \$450.00, which resulted in countable income of \$ [REDACTED] when deducted from Petitioner's income net of the standard deduction.

Once the Department determines a client's countable income, the Department looks it up in its Food Issuance Table to determine the maximum FAP benefit the client is entitled to receive. RFT 260 (October 1, 2017). A client with a household size of one and a countable income of \$178.00 in January 2019 was entitled to a maximum FAP benefit of \$138.00 per month.

Based on Petitioner's income, group size, and allowable expenses and deductions, the maximum FAP benefit Petitioner was eligible for was \$138.00 per month effective January 1, 2019. Therefore, the Department properly determined Petitioner's FAP benefit amount when the Department reconsidered Petitioner's eligibility and issued a new Notice of Case Action on December 12, 2018.

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 did act in accordance with its policies and the applicable law when determined Petitioner's FAP benefit amount was \$138.00 per month effective January 1, 2019.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/nr



Jeffrey Kemm
Administrative Law Judge
for Robert Gordon, 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

Sarina Baber
22 Center Street
Ypsilanti, MI
48198

Washtenaw County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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