



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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

Date Mailed: February 26, 2019
MAHS Docket No.: 18-013756
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, telephone hearing was held on February 20, 2019, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Natalie McLaurin.

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 [REDACTED] [REDACTED] 2018, the Petitioner was receiving a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits as a group of one. Exhibit A, pp 20-23.
2. Petitioner receives monthly Supplemental Security Income (SSI) in the gross amount of [REDACTED], and State Supplemental Security Income (SSP) in the gross monthly amount of [REDACTED]. Exhibit A, p, 7.
3. On [REDACTED] [REDACTED] 2018, the Department received verification that Petitioner is responsible for property taxes in the annual amount of [REDACTED]. Exhibit A, p 19.
4. On December 20, 2018, the Department notified Petitioner that he is eligible for a \$92 monthly allotment of Food Assistance Program (FAP) benefits as a group of one effective January 1, 2019. Exhibit A, pp 24-27.

5. On [REDACTED] [REDACTED] 2018, the Department received Petitioner's request for a hearing protesting the level of Food Assistance Program (FAP) benefits he is receiving. Exhibit A, pp 2-3.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2017).

Petitioner is an ongoing FAP recipient as a group of one. Petitioner received a monthly income in the gross amount of \$785, which was determined by adding his monthly SSI benefits to his SSP benefits, which are paid quarterly. The Department applies gross income to a person's eligibility for FAP benefits all income is countable unless specifically exempted by a policy. Petitioner's adjusted gross income of [REDACTED] was determined by reducing his total gross monthly income by the \$158 standard deduction.

Petitioner is entitled to a shelter deduction of [REDACTED], which was determined by adding his annual property tax expense by 12 months, adding the standard heat and utility deduction, then subtracting 50% of his adjusted gross income.

Petitioner's net income of [REDACTED] was determined by reducing his adjusted gross income by the shelter deduction. A group of one with a net income of [REDACTED] is entitled to a \$92 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2018), p 5.

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 the Food Assistance Program (FAP).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
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

