



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: February 21, 2019
MAHS Docket No.: 19-000337
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 February 13, 2019, from Detroit, Michigan. The Petitioner was presented and represented by [REDACTED], her daughter and Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly determine that Petitioner was eligible for \$97.00 in Food Assistance Program (FAP) benefits effective January 1, 2019?

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 December 8, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her FAP benefits would be reduced to \$97.00 per month effective January 1, 2019.
3. The Department again sent Petitioner a Notice of Case Action on December 21, 2018, which notified Petitioner that she had been approved for FAP benefits in the amount of \$97.00 per month effective January 1, 2019.
4. On January 3, 2019, Petitioner's AHR filed a Request for Hearing based 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 receives \$792.00 per month in unearned income. Petitioner does not have any additional income. The Department presented a budget in support of its assertion that Petitioner is entitled to \$97.00 per month in FAP benefits effective January 1, 2019. Based on Petitioner's circumstances, the group was eligible to receive a standard deduction in the amount of \$158.00 for group size of one. RFT 255, (October 2018), p. 1. The Department provided the group with a housing expense of \$92.00, which Petitioner's AHR contested.

The Department testified that it based Petitioner's housing expense upon a lease it received on February 20, 2018. Petitioner's AHR testified that Petitioner has been required to pay \$192.00 per month from February 5, 2018 through February 1, 2019. The Department testified that it received the proof of shelter expense on January 2, 2019. The document showing that Petitioner was required to pay \$192.00 beginning February 2018 has a stamped received date as January 2, 2019. Although Petitioner's AHR testified that she previously provided proof of the \$192.00 rent payment amount, there was no evidence provided at the hearing to show that the Department received any additional shelter information prior to January 2, 2019. The Department indicated that once it received the updated shelter information, it increased Petitioner's FAP benefits effective February 2019. Because there was no evidence presented that the Department had the information prior to January 2019, it is found that the Department properly used the \$92.00 rent expense at the time it determined Petitioner's eligibility for FAP benefits effective January 2019.

Petitioner has a heat and electric expense and therefore was entitled to a heat and utility standard of \$543.00. *Id.* Based upon Petitioner's housing expense, the group was entitled to receive an excess shelter deduction of \$318.00. Once the standard deduction and shelter deduction are subtracted from group's income, the net income was \$316.00.

On December 8, 2018 and December 21, 2018, the Department sent Petitioner a Notice of Case Action, which notified her that she had been approved for FAP benefits in the amount of \$97.00 monthly effective January 1, 2019. Accordingly, based upon a net

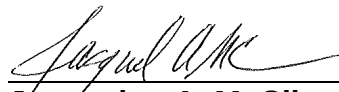
income of \$316.00, the Department properly determined that Petitioner's group was entitled to a FAP benefit amount of \$97.00 per month. RFT 260 (October 2018), p. 5.

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 that Petitioner was eligible for FAP benefits in the amount of \$97.00 per month effective January 1, 2019.

DECISION AND ORDER

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

JM/tlf



Jacquelyn A. McClinton
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

Via Email:

MDHHS-Oakland-II-Hearings
BSC4 Hearing Decisions

[REDACTED]

[REDACTED]

MAHS

Petitioner – Via First-Class Mail:

[REDACTED]

[REDACTED]

[REDACTED]