



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: March 29, 2019  
MAHS Docket No.: 19-001680  
Agency No.: [REDACTED]  
Petitioner: [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 March 27, 2019, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared and represented herself. Patricia Marx, Family Independence Manager, appeared for the Department of Health and Human Services (Department). Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 35-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 benefit recipient.
2. Petitioner has a household size of two. Petitioner's household has unearned income from social security of \$ [REDACTED] per month. Petitioner pays \$254.79 per month for housing. Petitioner is responsible for paying her own heat and utilities in addition to her housing.
3. On [REDACTED] [REDACTED] 2019, the Department received information from Petitioner which indicated her household had additional unearned income than what the

Department had budgeted. The Department reviewed Petitioner's benefits to take into account the additional income since the Department had not been budgeting it before.

4. On February 5, 2019, the Department issued a Notice of Case Action which notified Petitioner that she was approved for a FAP benefit of \$15.00 per month for a household size of two.
5. On February 8, 2019, Petitioner filed a hearing request to dispute the Department's decision because she disagreed with the monthly FAP benefit amount.

### **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, 2019), BEM 550 (January 1, 2017), BEM 554 (August 1, 2017), BEM 556 (April 1, 2018), and RFT 260 (October 1, 2018). 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.

Here, Petitioner was entitled to a standard deduction of \$158.00 for a household size of two, and Petitioner was entitled to an excess shelter expense of \$72.00 (based on a housing expense of \$254.79 per month plus a heat/utility standard of \$543.00). Petitioner's household income from social security of \$[REDACTED] less a standard deduction of \$158.00, and less an excess shelter expense of \$72.00 results in a countable income of \$[REDACTED]

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. A client with a household size of two and a countable income of \$[REDACTED] in March 2019 was entitled to a maximum FAP benefit of \$15.00 per month. Thus, the Department properly determined Petitioner's FAP benefit amount.

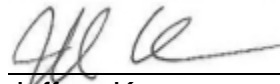
The reduction in Petitioner's FAP benefit amount was because the Department budgeted all of Petitioner's household income whereas it had not previously.

**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.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



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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**

Patricia Marx  
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Manistee, MI  
49660

Manistee County DHHS- via electronic  
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BSC1- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

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