



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 24, 2019
MOAHR Docket No.: 19-010324
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 October 21, 2019 from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor. During the hearing, a 15-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-15.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits, effective October 1, 2019, ongoing?

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 was an ongoing recipient of FAP benefits from the Department.
2. On September 7, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that his monthly FAP benefits would be reduced to [REDACTED], effective October 1, 2019, ongoing. The reason given for the reduction was that Petitioner's shelter deduction had decreased. Exhibit A, pp. 5-9.
3. On September 23, 2019, Petitioner submitted to the Department a request for hearing objecting to the reduction of his monthly FAP benefits.

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 objected to the Department's decision to reduce his monthly FAP benefits from █████ per month to █████ per month, effective October 1, 2019, ongoing. During the hearing, the Department representative explained that the sole cause of the reduction in Petitioner's monthly FAP allotment was the Department's policy change reducing the heat and utility (h/u) standard from █████ to █████.

Petitioner's FAP benefits for October 2019, ongoing, were calculated on the basis of Petitioner having monthly unearned income of █████ and monthly housing expenses of █████. Furthermore, the calculation included a standard deduction of █████ and the application of the heat/utility (h/u) standard of █████.

Petitioner acknowledged the unearned income amount. The standard deduction of █████ was then taken out, resulting in adjusted gross income of █████. RFT 255 (October 2019), p. 1. Petitioner did not report any child care, medical, or child support expenses. Thus, those deductions are not applicable.

However, Petitioner is eligible for the excess shelter deduction. The Department budgeted housing costs of █████, which the Department rounded up to █████.¹ Petitioner was also eligible for the h/u standard of █████ based on the fact that Petitioner pays for propane heat at his home. RFT 255, p. 1. Adding the expenses Petitioner qualified for together, Petitioner had monthly shelter expenses of █████. The excess shelter deduction is calculated by subtracting from the █████ one half of the adjusted gross income of █████, which is █████. The remaining amount, if it is greater than █████, is the excess shelter deduction. In this case, the remaining amount is █████. Petitioner's net income of █████ is calculated by subtracting the excess shelter deduction (\$349)

¹ When asked to describe his housing costs during the hearing, Petitioner stated that he paid for taxes and insurance, which he testified amounted to a little over █████ per year. Thus, Petitioner testified to housing costs of slightly less than █████ per month. It appears as though if any mistake was made regarding housing costs, it was made in Petitioner's favor. This decision will not disturb that finding.

from the adjusted gross income ██████ which is what the Department properly found. Exhibit A, pp, 6, 12.

The Food Assistant Issuance Table shows ██████ in benefits for ██████ net income for a household of one. RFT 260 (October 2019), p. 4. This is the amount determined by the Department and is correct. The Department acted in accordance with Department policy when it determined Petitioner's FAP benefits, effective October 1, 2019, ongoing.

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 FAP benefits, effective October 1, 2019, ongoing.

DECISION AND ORDER

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

JM/tm



John Markey
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

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

Petitioner

[REDACTED]
[REDACTED]
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[REDACTED]

CC:

[REDACTED]
[REDACTED]