



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: February 18, 2021
MOAHR Docket No.: 20-007985
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 11, 2021, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Maia Elvine-Fair, Assistance Payments Supervisor.

ISSUE

Did the 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. Petitioner was a recipient of FAP benefits where she received an annual increase to \$808 from \$794 in Social Security Income (SSI).
2. On December 18, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.
3. On December 5, 2020, the Department sent Petitioner a Benefit Notice, DHS 176, that her FAP benefits would decrease to \$145 effective January 1, 2021. Department Exhibit 1, pg. 4-8.

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 was a recipient of FAP benefits where she received an annual increase to \$808 from \$794 in Social Security Income (SSI). On December 18, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action. On December 5, 2020, the Department sent Petitioner a Benefit Notice, DHS 176, that her FAP benefits would decrease to \$145 effective January 1, 2021. Department Exhibit 1, pg. 4-8. BEM 503 and 554. BAM 801. RFT 255.

During the hearing, the Department stated that Petitioner had excess income, which resulted in a decrease of her FAP benefits from \$153 to \$145 due to annual increase in SSI benefits and the decrease in the standard heat and utility allowance from \$547 to \$537.

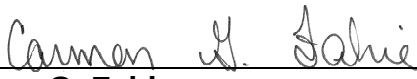
As a result of excess income, Petitioner had a decrease in FAP benefits. Petitioner had unearned income of \$808. After deductions from her gross income of \$794 of \$167 standard deduction for an adjusted gross income of \$641. The Petitioner was given a total shelter deduction of \$766, resulting from a housing expense of \$220 and heat and utility standard of \$537. Petitioner was given an adjusted excess shelter deduction of \$446, with a total shelter deduction of \$766 minus 50% of adjusted gross income of \$320. Petitioner had a net income of \$195, which was the adjusted gross income of \$641 minus the excess shelter deduction of \$446. With a net income of \$195, Petitioner qualified with a household group size of one for a maximum benefit of \$204 plus \$0 in economic recovery minus 30% of net income of \$59, resulting in a net benefit amount of \$145. Department Exhibit 1, pgs. 9-11.

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 had excess income from an increase in unearned income and a decrease in a standard heat and utility allowance that resulted in a decrease of her FAP benefits from \$153 to \$145.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**. Petitioner had excess income from an increase in unearned income and a decrease in a standard heat and utility allowance that resulting in a decrease in her FAP benefits from \$153 to \$145.

CF/hb


Carmen G. Fahie
Administrative Law Judge
for Elizabeth Hertel, 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

Washtenaw County via electronic mail

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
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[REDACTED] MI [REDACTED]