



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: January 12, 2018
MAHS Docket No.: 17-015610
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, an in-person hearing was held on January 2, 2018, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Colleen Hayes, Family Independence Manager.

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. Petitioner is an ongoing Food Assistance Program (FAP) recipient and the Department redetermined her eligibility for benefits based on the information she reported on an application for Medical Assistance (MA) benefits on November 3, 2017. Exhibit A, pp 9-29.
2. The Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$993. Exhibit A, pp 30-33.
3. Petitioner was approved for Medicare Savings Program (MSP) benefits under the Qualified Medicare Beneficiary (QMB) category effective January 1, 2017. Exhibit A, p 36.

4. On November 20, 2017, the Department notified Petitioner that her monthly allotment of Food Assistance Program (FAP) benefits would be reduced to \$105 effective January 1, 2018. Exhibit A, p. 8.
5. On December 4, 2017, the Department received Petitioner's request for a hearing protesting the amount of her monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, p 6.

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 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 was an ongoing Food Assistance Program (FAP) recipient on November 3, 2017, when she submitted an application for MA benefits and the Department redetermined her eligibility for ongoing FAP benefits based on the circumstances she reported on that application.

Petitioner receives monthly RSDI benefits in the gross monthly amount of \$993, which is her sole source of income. Petitioner's adjusted gross income of \$833 was determined by reducing her total income by the \$160 standard deduction. Petitioner is entitled to a deduction for qualified medical expenses exceeding \$35, but after she was approved for QMB benefits, Petitioner is no longer eligible for a deduction based on her Medicare premiums.

Petitioner is entitled to a deduction for her monthly shelter expenses. Petitioner is responsible for monthly housing expenses of \$317, and she is entitled to the \$537 standard heat and utility deduction. Petitioner is entitled to a \$438 shelter deduction, which was determined by adding her housing expense to the utility deduction then subtracting 50% of her adjusted gross income. Because she received the standard heat and utility deduction, Petitioner is not entitled to other expenses such as her telephone expenses. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), p 15.

Petitioner's net income of \$395 was determined by reducing her adjusted gross income by reducing her adjusted gross income by her monthly shelter deduction. A group of one with a net income of \$395 is entitled to a \$73 monthly allotment of Food Assistance Program (FAP) benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2017).

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 Food Assistance Program (FAP)] benefits effective January 1, 2017.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
for Nick Lyon, 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) 335-6088; 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

Lindsay Miller
125 E. Union St 7th Floor
Flint, MI
48502

Genesee Union St. County DHHS- via
electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

