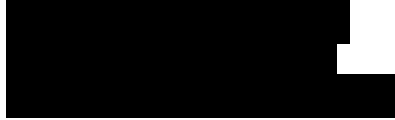




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: January 31, 2018
MAHS Docket No.: 17-016295
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, telephone hearing was held on January 24, 2018, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Pamela Herman, Hearing Facilitator, and Serene Griffin, Eligibility Specialist.

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. On September 9, 2017, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits as a group of one in the monthly amount of \$192. Exhibit A, pp 1-5.
2. Petitioner received a paycheck in the gross bi-weekly amounts of \$399.95 and \$282.16 on October 21, 2017, and October 13, 2017. Exhibit A, pp 11-12.
3. Petitioner received a paycheck in the gross bi-weekly amounts of \$252 and \$168 on October 20, 2017, and October 6, 2017. Exhibit A, pp 13-14.
4. Petitioner has countable monthly housing expenses of \$144.28 and is entitled to the standard heat and utility deduction. Exhibit A, p 26.

5. On November 9, 2017, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits as a group of one in the monthly amount of \$42. Exhibit A, pp 15-18.
6. On December 11, 2017, the Department received Petitioner's request for a hearing protesting the amount of her monthly Food Assistance Program (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.

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 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).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

Petitioner is an ongoing FAP recipient as a group of one. Petitioner received earned income in the gross bi-weekly amounts of \$399.95 and \$282.16 on October 21, 2017, and October 13, 2017. Petitioner also received earned income from another employer in the gross bi-weekly amounts of \$252 and \$168 on October 20, 2017. The Department determined a prospective monthly income by taking the average of these paychecks and converting them to monthly amounts by multiplying by 2.15 as directed

by BEM 505. Petitioner's adjusted gross income was determined by reducing her total monthly income by the 20% earned income deduction and the \$160 standard deduction.

Petitioner is entitled to a \$288 excess shelter deduction, which was determined by adding her \$144.28 monthly housing expense to the \$537 standard heat and utility deduction, then reducing the sum by 50% of her adjusted gross income.

Petitioner's net income of \$499 was determined by reducing her adjusted gross income by her excess shelter deduction. A group of one with a net income of \$499 is entitled to a \$42 monthly allotment of FAP benefits.

Petitioner testified that she started new employment but that she was not working the number of hours that she had expected after her initial employment.

This Administrative Law Judge finds that the Department determined Petitioner's countable income using the best information available that time. As Petitioner's circumstances change, her eligibility for FAP benefits may change as well.

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 December 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

Carisa Drake
190 East Michigan
Battle Creek, MI
49016

Calhoun County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

