



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: January 31, 2018
MAHS Docket No.: 17-016309
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 Adam Slate, Hearing Facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's 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 an ongoing Food Assistance Program (FAP) recipient as a group of four. Exhibit A, p 5.
2. On October 3, 2017, the Department received Petitioner's completed Redetermination (DHS-1010) form. Exhibit A, pp 4-11.
3. Petitioner receives child support in the gross monthly amount of \$244. Exhibit A.
4. On November 24, 2017, Petitioner received a paycheck in the gross bi-weekly amount of \$1,345.72, and on December 8, 2017, she received a paycheck in the gross bi-weekly amount of \$1,574.58. Exhibit A, pp 12-13.
5. Petitioner is responsible for monthly rent in the amount of \$590. Exhibit A, p 9.
6. On December 8, 2017, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, pp 2-3.

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. The Department will use the average of child support payments received in the past three calendar months, unless changes are expected. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

Petitioner was an ongoing FAP recipients as a group of four when the Department initiated a routine review of her eligibility for ongoing benefits based on the completed Redetermination (DHS-1010) form she submitted on October 3, 2017. The Petitioner receives monthly earned income from employment in the gross monthly amount of \$3,139, which was determined by multiplying the average of her bi-weekly paychecks by the 2.15 conversion factor. Petitioner receives child support in the gross monthly amount of \$244, which was determined from the average of child support payments received in the past three calendar months. Petitioner's adjusted gross income of \$2,585 was determined by reducing her total household income by the \$170 standard deduction and the 20% earned income deduction.

Petitioner is entitled to the standard \$537 heat and utility deduction because she pays for those utilities separately from her \$590 monthly rent. Petitioner is not entitled to a

monthly excess shelter deduction because her monthly shelter obligations are less than 50% of her adjusted gross income.

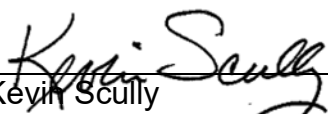
Therefore, Petitioner's net monthly income is the same as her adjusted gross income of \$2,585. A group of four with a net income of \$2,585 is not eligible for FAP benefits because the net income limit is \$2,050. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2017), p 1.

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 closed Petitioner's Food Assistance Program (FAP) benefits because her net monthly income exceeds the limit for the group to receive benefits.

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

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Petitioner

