



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: April 19, 2018
MAHS Docket No.: 18-002874
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 4/17/18, from Lansing, Michigan. Petitioner appeared unrepresented. [REDACTED] appeared as a witness. The Department of Health and Human Services (Department) was represented by Susan Engel H.F., and June Villegas ES.

ISSUE

Did the Department properly reduce Petitioner's FAP benefits due to increased income?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times, Petitioner and another adult member of Petitioner's FAP group have been beneficiaries of the FAP program.
2. On 2/14/18 the Department issued a Notice of Case Action reducing the FAP benefits to \$15.00 per month from \$350.00 due to an increase of previously unreported income of \$848.00.
3. Unrefuted evidence is that on 1/23/18 a DHS-2240-A along with information received from a Social Security interface report received on 2/14/18 showed group income changes to the group members. See Ex A.1.
4. Petitioner's expenses exceed her income.

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.

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

Specific policy applicable to the facts here are found in BAM 105, 130, 210, 220, 800 and BEM 212, 400, 503, and 554.

In this case, Petitioner does not dispute the facts. Specifically, Petitioner does not dispute the income she and the other member of her group receive, and, that overall there has been a significant increase in income for the group. Rather, Petitioner argues that her expenses exceed her income, and, that she cannot meet her nutritional needs on \$15.00 per month.

The undersigned ALJ jurisdiction is to review the Department's determination and to make a decision if that determination is correct under policy and procedure. Here, based on the record established in the matter, the Department applied its policy correctly and as required by federal and state law and policy.


As to Petitioner's arguments, this ALJ would agree that based Petitioner's expenses as represented at the administrative hearing exceed her income. This ALJ also agrees that \$15.00 is insufficient to meet the nutritional needs for 2 people in one month. Unfortunately, neither argument are grounds to grant Petitioner more FAP benefits than she is entitled to as established under federal law and department policy.

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 reduced Petitioner's FAP benefits.

DECISION AND ORDER

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

JS/nr



Janice Spodarek
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

Kathleen Verdoni
411 East Genesee
PO Box 5070
Saginaw, MI
48607

Saginaw County DHHS- via electronic
mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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