



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 19, 2018
MAHS Docket No.: 18-006011
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, an administrative hearing was held on July 18, 2018, from Lansing, Michigan. The Petitioner was represented herself. Witnesses included [REDACTED] and [REDACTED]. The Department of Health and Human Services (Department) was represented by Kathleen Scorpio-Butina, Hearings Facilitator.

ISSUE

Did the Department properly calculate Petitioner's Supplemental Nutrition Assistance Program (SNAP) or 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 [REDACTED], 2018 Petitioner applied for FAP benefits.
2. On May 11, 2018 the Respondent issued a Case Action Notice that Petitioner's FAP approved allotment was \$107.00 per month.
3. On June 15, 2018 Petitioner filed a hearing request stating that '2 adults cannot live on \$107.00 per month.' Exhibit A.2.
4. Petitioner does not dispute any of the Respondent's calculations or budget(s) used in determining Petitioner's allotment.
5. 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.

In all eligibility determinations, the applicant, here Petitioner, has the burden of proof by a preponderance of evidence.

The FAP program is a 70-billion-dollar program for fiscal year 2017, which attempts to supplement approximately 43-60% of a person's dietary needs.

Specific to the case here, program policy items are found in BEM 212, 400, 500, 503, 550, and 554; BAM 406.

In this case, Petitioner argues that her allotment only pays for approximately 2 weeks per month of her food budget. Petitioner also argues that she has many expenses, including car payments.


Petitioner's arguments are unrefuted. However, Petitioner offered no argument that would allow her to prevail under federal and state policy and law. As Petitioner does not dispute the calculation of her allotment but asks for more than anyone similarly situated, the Respondent's allotment must be upheld.

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 calculated Petitioner's FAP allotment at \$107.00 per month.

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) 763-0155; 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

Lauren Casper
27690 Van Dyke
Warren, MI
48093

Macomb 20 County DHHS- via electronic mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

