

RICK SNYDER GOVERNOR

# STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS LANSING

SHELLY EDGERTON DIRECTOR



Date Mailed: August 23, 2018 MAHS Docket No.: 18-006593

Agency No.: Petitioner:

**ADMINISTRATIVE LAW JUDGE:** John Markey

#### **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 August 1, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department), Respondent, was represented by Krista Hainey, Family Independence Manager.

### <u>ISSUE</u>

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount?

#### FINDINGS OF FACT

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

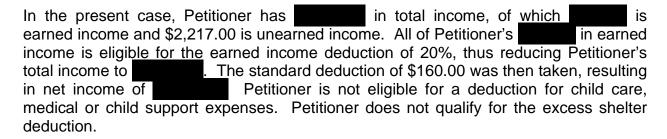
- 1. Petitioner submitted to the Department an application for FAP benefits on 2018 with a group size of three. Exhibit 1.
- 2. On 2018, the Department issued Petitioner a Notice of Case Action informing Petitioner that her application for FAP benefits was denied for having excess net income.
- 3. Petitioner has earned income of per month.
- 4. Petitioner has unearned income of \$2,217.00 per month.

- 5. Petitioner has housing expense of per month.
- 6. On 2018, Petitioner requested a hearing.

#### 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 Food Assistant Issuance Table shows \$0.00 in benefit for a household of three. RFT 260 (October 1, 2017), p. 1. This is the amount determined by the Department and is correct. 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 FAP benefits.

## **DECISION AND ORDER**

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

JM/dh

John Markey

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** 

Cindy Tomczak 401 Eighth Street PO Box 1407 Benton Harbor, MI 49023

Berrien County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner** 

