



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: August 23, 2018
MAHS Docket No.: 18-007664
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's July 10, 2018, hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 22, 2018, from Lansing, Michigan. Petitioner, [REDACTED] appeared and represented himself. Petitioner did not have any additional witnesses. Family Independence Manager, Mariah Schaefer, appeared on behalf of the Department. The Department did not have any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 26-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

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

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 June 12, 2018, the Department issued a Notice of Case Action to Petitioner to notify Petitioner that his FAP benefit would be \$35.00 per month effective July 1, 2018. The Department calculated Petitioner's monthly benefit based on his monthly income of \$1,167.00 from social security, less a \$160.00 standard deduction, less a \$154.00 Medicare premium paid by Petitioner, and less a \$322.00 excess shelter deduction. The Department's determined that Petitioner's monthly income after deductions was \$522.00 and that he was eligible for a \$35.00 per month benefit based on a monthly income of \$522.00 and a group size of 1. Exhibit A, p. 14-19.

2. On [REDACTED] Petitioner filed a hearing request to dispute the amount of FAP benefits the Department found him eligible for. Exhibit A, p. 1-2.
3. On July 13, 2018, the Department issued a Notice of Case Action to Petitioner to notify Petitioner that his FAP benefit would be \$15.00 per month effective August 1, 2018. The Department calculated Petitioner's monthly benefit based on his monthly income of \$1,167.00 from social security, less a \$160.00 standard deduction, and less a \$254.00 excess shelter deduction. The Department's determined that Petitioner's monthly income after deductions was \$753.00 and that he was eligible for a \$15.00 per month benefit based on a monthly income of \$753.00 and a group size of 1. The Department reduced Petitioner's FAP benefit because he was no longer required to pay his Medicare premium. Exhibit A, p.21-26.

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 Department determines a client's monthly FAP benefit amount by calculating the client's net income and group size and then looking that information up in its applicable Food Issuance Table. BEM 212 (January 1, 2017), BEM 213 (January 1, 2018), BEM 550 (January 1, 2017), BEM 554 (August 1, 2017), BEM 556 (April 1, 2018), and RFT 260 (October 1, 2017). Here, there is no evidence that the Department did not properly determine Petitioner's FAP benefits. Petitioner did not present any evidence to establish that his income or expenses were different than those used by the Department, and Petitioner did not present any evidence to establish that his group size was greater than that used by the Department. Based on a review of the applicable Food Issuance Table, the Department correctly determined Petitioner's FAP benefits based on his net income and group size.

DECISION AND ORDER

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 did act in accordance with its policies and the applicable law when it issued its June 12, 2018 Notice of Case Action.

IT IS ORDERED the Department's June 12, 2018, Notice of Case Action is AFFIRMED.

JK/nr



Jeffrey Kemm
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

Mariah Schaefer
3255 122nd Ave Ste 300
Allegan, MI
49010

Allegan County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

[REDACTED]
MI