



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 11, 2018
MAHS Docket No.: 18-007860
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 September 5, 2018, from Lansing, Michigan. Petitioner appeared and testified. The Department of Health and Human Services (Department or Respondent) was represented by Pamela Bruce.

ISSUE

Was the Department's Notice of Case Action regarding Petitioner's Food Assistance Program (FAP) reduction correct?

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 herein, Petitioner was a FAP recipient.
2. On July 21, 2018, the Respondent issued a Notice of Case Action informing Petitioner that his FAP benefit allotment will be decreased to \$174.00 per month for the following reason: "An individual is not part of the FAP group because he does not purchase and prepare food with the household." BEM 212.
3. On July 31, 2018, Petitioner filed a hearing request.

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 this case, the Department hearing summary states that Petitioner's FAP allotment was reduced due to standard deduction updates pursuant to RFT 255 effective August 1, 2018, and, that "there was no other action taken related to the client's benefits."

At hearing, the Department testified that the information on the hearing summary was correct but that the notice reason and authority was incorrect. The Department explained that there was and is no issue regarding group composition and no reason regarding any purchase and prepare issue(s). The only action here that was taken was a \$3.00 monthly FAP reduction due to an across the board shelter change by the federal government.

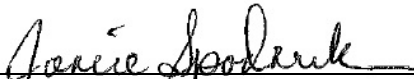
As such, the Respondent's action must be partially reversed as it was incorrect. However, there is no remedy as the calculation was correct. As to the \$3.00 FAP allotment reduction, the Respondent's calculation was correct, and thus, the Respondent must be partially affirmed.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the \$3.00 per month reduction in FAP benefits and **REVERSED IN PART** with respect to reason given on the Notice of Case Action, corrected by the Respondent's testimony at hearing.

THE DEPARTMENT IS NOT REQUIRED TO TAKE ANY FURTHER ACTION.

JS/hb



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

Kimberly Myers
234 West Baraga Ave.
Marquette, MI 49855

BSC1 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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