



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 26, 2018
MAHS Docket No.: 18-008328
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 September 19, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by LaVerne Duncan, Assistance Payments Supervisor, and Brenda Tiller, Eligibility Specialist. During the hearing, a 39-page packet of documents was offered and admitted as Exhibit A, pp. 1-39.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits, effective September 1, 2018?

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 is an ongoing recipient of FAP benefits.
2. On July 3, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her monthly FAP benefits were being reduced to \$ [REDACTED] effective August 1, 2018. Exhibit A, pp. 5-8.

3. On July 24, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her monthly FAP benefits were being increased to \$ [REDACTED] effective August 1, 2018. Exhibit A, pp. 9-12.
4. On [REDACTED] 2018, Petitioner filed with the Department a request for hearing challenging the Department's calculation of Petitioner's monthly FAP benefits, effective August 1, 2018, ongoing.
5. On August 22, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her monthly FAP benefits were being increased to \$ [REDACTED] effective September 1, 2018. Exhibit A, pp. 13-15.
6. Petitioner was issued supplements for the months of July and August of 2018, such that her total FAP benefits for July of 2018 were \$ [REDACTED] and total benefits for August of 2018 were \$ [REDACTED] Exhibit A, pp. 34, 38-39.

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.

Petitioner objects to the Department's calculation of her monthly FAP benefits for August 2018 and September 2018, ongoing. Petitioner's original hearing request challenged the Department's calculation of her benefits for August of 2018, ongoing, which were originally [REDACTED] and then increased to \$ [REDACTED]. However, after receiving the hearing request, the Department reviewed Petitioner's case and issued her supplemental benefits for the month of August of 2018, bringing her August of 2018 FAP total to \$ [REDACTED]. The Department then issued a Notice of Case Action informing Petitioner she would receive \$ [REDACTED] in FAP benefits per month, effective September of 2018, ongoing, based on the same information it used to calculate Petitioner's August of 2018 FAP benefits. Thus, this decision will focus on whether the Department properly determined Petitioner's monthly FAP benefits of \$ [REDACTED] for August of 2018 and September of 2018 ongoing.

The Department calculated Petitioner's FAP benefit amount for August of 2018 and September of 2018 ongoing by taking into account Petitioner's reported and verified income and expense information. Petitioner had total income of \$ [REDACTED] all of which was

unearned. The standard deduction of \$[REDACTED] was then taken out, resulting in adjusted gross income of \$624. Petitioner did not report any child care, medical, or child support expenses. Thus, those deductions are not applicable.

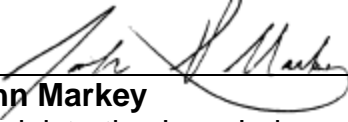
However, Petitioner is eligible for the excess shelter deduction. Petitioner had housing costs of \$[REDACTED] and was eligible for the heating and utility standard of \$[REDACTED]. Thus, Petitioner was not responsible for any utility payments. Adding the expenses Petitioner qualified for together, Petitioner had monthly shelter expenses of \$[REDACTED]. The excess shelter deduction is calculated by subtracting from the \$[REDACTED] one half of the adjusted gross income of \$[REDACTED] which is \$[REDACTED]. The remaining amount, if it is greater than \$0, is the excess shelter deduction. In this case, the remaining amount is \$[REDACTED] which the Department properly calculated as Petitioner's excess shelter deduction. Exhibit A, pp. 38-39. Petitioner's net income of \$[REDACTED] is calculated by subtracting the excess shelter deduction (\$[REDACTED]) from the adjusted gross income (\$[REDACTED]) which is what the Department properly found. Exhibit A, pp. 38-39.

The Food Assistant Issuance Table shows \$[REDACTED] in benefits for \$[REDACTED] net income for a household of one. RFT 260 (October 2017), p. 4. This is the amount determined by the Department and is correct. The Department acted in accordance with Department policy when it determined Petitioner's FAP benefits for August 2018 and September 2018, ongoing.

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 acted in accordance with Department policy when it determined Petitioner's FAP benefits for August 2018 and September 2018 ongoing. 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

Amber Gibson
5303 South Cedar
PO BOX 30088
Lansing, MI 48911

Ingham County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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