



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: November 30, 2018  
MAHS Docket No.: 18-010970  
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 November 29, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Rechela Hall, Eligibility Specialist. During the hearing, a 24-page packet of documents was offered and admitted as Exhibit A, pp. 1-24.

**ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits, effective November 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 [REDACTED], 2018, Petitioner submitted to the Department an application for State Emergency Relief (SER) benefits.
3. While processing Petitioner's SER application, a Department worker noticed that Petitioner's budgeted FAP income did not include the child support she was receiving every month for her three children.
4. Petitioner receives, on average, \$216 in child support per month. This is in addition to the \$1,835 per month she receives in other unearned income. Exhibit A, pp. 16-18.

5. On October 10, 2018, the Department issued to Petitioner a Notice of Case Action that incorporated all of her income. The Notice of Case Action informed Petitioner that she was eligible for \$77 per month in FAP benefits, effective November 1, 2018. Exhibit A, pp. 3-9.
6. On October 17, 2018, Petitioner requested a hearing challenging the Department's calculation of her FAP benefits.

### **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 but does agree to the income and expenses the Department used in calculating her monthly FAP benefits. The Department calculated Petitioner's FAP benefit amount for November of 2018 ongoing by taking into account Petitioner's reported and verified income and expense information. Petitioner had total income of \$2,051, all of which was unearned. The standard deduction of \$168 was then taken out, resulting in adjusted gross income of \$1,883. Petitioner did not report any child care, medical, or child support expenses. Thus, those deductions are not applicable.

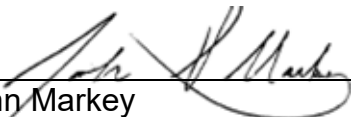
Likewise, Petitioner is not eligible for the excess shelter deduction. Petitioner had housing costs of \$344 and was eligible for the heat/utility standard of \$543. Adding the expenses Petitioner qualified for together, Petitioner had monthly shelter expenses of \$887. The excess shelter deduction is calculated by subtracting from the \$887 one half of the adjusted gross income of \$2,051, which is \$1,025.50. The remaining amount, if it is greater than \$0, is the excess shelter deduction. In this case, the remaining amount is less than \$0. Accordingly, Petitioner was not eligible for the excess shelter deduction, leaving her net income the same as her adjusted gross income of \$1,883.

The Food Assistant Issuance Table shows \$77 in monthly benefits for \$1,883 net income for a household of four. RFT 260 (October 2018), p. 26. 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 November of 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 November of 2018 ongoing. Accordingly, the Department's decision is **AFFIRMED**.

JM/nr

  
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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**

Randa Chenault  
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Oakland 3 County DHHS- via electronic  
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**Petitioner**

