



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

Date Mailed: December 6, 2018
MAHS Docket No.: 18-011254
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on November 29, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by David Rost.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Food Assistance Program (FAP) benefits?

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 August 23, 2018, the Department sent Petitioner a Verification of Employment (DHS-38). Exhibit A, pp 2-3.
2. On September 4, 2018, the Department received copies of two paycheck stubs showing gross earned income in the bi-weekly amounts of \$976.44 on August 30, 2018, and \$960.80 on July 19, 2018. Exhibit A, pp 4-5.
3. On September 19, 2018, the Department sent Petitioner a Verification of Employment (DHS-38) for another employer. Exhibit A, pp 6-7.
4. On September 19, 2018, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her loss of employment and ending income by October 1, 2018. Exhibit A, p 8.

5. On October 11, 2018, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective November 1, 2018. Exhibit A, pp 9-10.
6. On October 17, 2018, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective November 1, 2018. Exhibit A, pp 11-12.
7. On October 22, 2018, the Department received Petitioner's request for 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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2017).

Petitioner was an ongoing FAP recipient when the Department requested that she provide verification of her earned income so that her eligibility for ongoing benefits could be accurately determined. On September 4, 2018, the Department received verification of Petitioner's earned income over a 30-day period showing that she received \$1,937 of gross earned income.

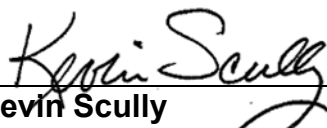
The gross monthly income limit for a group of one to remain eligible for FAP benefits is \$1,316. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2018), p 1.

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 closed Petitioner's Food Assistance Program (FAP) benefits based on her gross earned income.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
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

Lori Duda
30755 Montpelier Drive
Madison Heights, MI 48071

Oakland County (District 2), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

