



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: December 20, 2018

MAHS Docket No.: 18-011847

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, a telephone hearing was held on December 18, 2018, from Lansing, Michigan. Petitioner was represented by [REDACTED], an adult member of the benefit group. The Department of Health and Human Services was represented by Sherri Birdsall, and Donna Rojas.

**ISSUE**

Did the Department of Health and Human Services (Department) properly determined Petitioner's eligibility for 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 September 19, 2018, the Department conducted a routine eligibility interview with [REDACTED].
2. On October 16, 2018, the Department notified Petitioner that their Food Assistance Program (FAP) would close.
3. Petitioner received weekly paychecks on September 27, 2018, for \$580.25, and on September 20, 2018, for \$440.
4. [REDACTED] received weekly paychecks on September 7, 2016, for \$362.34, on September 14, 2018, for \$524.13, on September 21, 2018, for \$560.38, on September 28, 2018, for \$400.

5. Petitioner is responsible for monthly housing expenses totaling \$900 and is responsible for utilities separate from housing.
6. On November 2, 2018, the Department notified Petitioner that the household was approved for a \$72 monthly allotment of Food Assistance Program (FAP) benefits effective October 1, 2018, with a \$49 prorated benefit for September of 2018.
7. On November 2, 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).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

Petitioner was an ongoing FAP recipient as a group of seven when the Department requested information necessary to determine eligibility for ongoing benefits. The Department notified Petitioner that FAP benefits would close, but then reinstated the

FAP benefits when it was discovered that Petitioner had provided all of the information the Department had requested.

Petitioner's household received a total gross monthly income of \$4,198, which was determined by multiplying their average gross weekly income by the 4.3 conversion factor. Petitioner's adjusted gross income of \$3,130 was determined by reducing gross income by the \$228 standard deduction and the 20% earned income deduction.

Petitioner would be eligible for an excess shelter deduction, but since the verified housing expenses are less than 50% of the group's adjusted gross income, the group is not entitled to a shelter deduction.

Therefore, Petitioner's net income is the same as the group's adjusted gross income. A group of seven with a net income of \$3,130 is entitled to a \$72 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2018), p 43.

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 eligibility for Food Assistance Program (FAP) benefits effective October 1, 2018.

#### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/hb

  
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**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**

Kimberly Kornoelje  
121 Franklin SE  
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

