



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: January 8, 2019
MAHS Docket No.: 18-012610
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 January 2, 2019, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Lorraine Smith.

ISSUE

Did the Department of Health and Human Services (Department) properly determined Petitioner's eligibility for the Food Assistance Program (FAP)?

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 Food Assistance Program (FAP) recipient as a group of eight.
2. Petitioner's household receives monthly earned income from employment in the gross monthly amount of \$1,849. Exhibit A, pp 7-12.
3. Petitioner's household receives monthly unearned income, consisting of social security benefits and child support income, in the gross monthly amount of \$2,400. Exhibit A, p 13.
4. Petitioner has housing expenses in the monthly amount of \$681.61, which consists of property taxes, a land contract, and home insurance, and Petitioner is responsible to pay for hearing expenses separate from his other shelter expenses. Exhibit A, p 20.

5. On November 19, 2018, the Department notified Petitioner that he is eligible for a \$59 monthly allotment of Food Assistance Program (FAP) benefits effective November 1, 2018. Exhibit A, pp 3-6.
6. On November 27, 2018, the Department received Petitioner's request for a hearing protesting the level of Food Assistance Program (FAP) he is receiving. Exhibit A, pp 1-2.

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.

The heat and utility standard covers all heat and utility costs including cooling, except actual utility expenses. FAP groups that qualify for the heat and utility standard do not receive any other individual utility standards. An FAP group which has a heating expense or contributes to the heating expense separate from rent, mortgage, or condominium/maintenance payments must use the heat and utility standard. Department of Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), p 15.

Petitioner is an ongoing FAP recipient as a group of eight. Petitioner's household receives earned income in the gross monthly amount of \$1,849 and unearned income in the gross monthly amount of \$2,400. Petitioner did not dispute the determination of income. Petitioner's adjusted gross income of \$3,651 was determined by reducing total income by the 20% earned income deduction and the standard deduction of \$228. See Department of Health and Human Services Reference Table Manual (RFT) 255 (October 1, 2018), p 1.

Petitioner has housing expenses totaling \$681.61, which amount was determined by totaling his monthly obligation for a land contract, property taxes, and home insurance. Petitioner is also entitled to the standard heat and utility deduction of \$543, and therefore is not entitled to any additional shelter deductions as directed by BEM 554. Since Petitioner's shelter deductions are less than 50% of his adjusted gross income, he is not entitled to a shelter deduction from his income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (April 1, 2018), p 5.

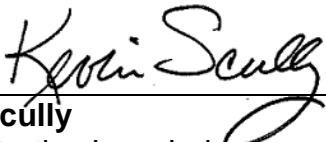
Therefore, Petitioner's net income is the same as his adjusted gross income. A group of eight with a net income of \$3,651 is entitled to a \$59 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2018), p 50.

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.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Farah Hanley, Acting 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

Brenda Buhl
1505 Suncrest Drive
Lapeer, MI 48846

Lapeer County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]