



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: February 1, 2019  
MAHS Docket No.: 18-013197  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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 January 23, 2019, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor.

**ISSUE**

Did the Department properly determine that Petitioner was eligible for Food Assistance Program (FAP) benefits in the amount of \$[REDACTED] per month effective December 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. On [REDACTED] 2018, Petitioner applied for FAP benefits.
2. On October 10, 2018, the Department sent Petitioner a Verification Checklist (VCL) which requested that Petitioner submitted proof of residency, home rent, and banking account information.
3. Petitioner provided all the requested information by the due date except proof of rent expense.
4. On October 25, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that she had been approved for FAP benefits in the amount of \$[REDACTED] per month effective October 9, 2019.

5. On November 29, 2018, Petitioner submitted proof of her rent expense.
6. The Department redetermined Petitioner's eligibility and on November 29, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her FAP benefits would increase to \$[REDACTED] per month effective December 1, 2018.
7. On December 10, 2018, Petitioner filed a Request for Hearing disputing the Department's actions.

### **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.

In this case, Petitioner applied for FAP benefits on October 9, 2018. The Department testified, and Petitioner confirmed, that the household income is \$[REDACTED]. The Department presented a budget in support of its assertion that Petitioner is entitled to \$[REDACTED] per month in FAP benefits. Based on Petitioner's one-person group size, she is eligible to receive a standard deduction in the amount of \$158.00. RFT 255, (August 2018), p. 1. On November 29, 2018, Petitioner submitted information stating that she pays \$[REDACTED] in housing expenses. Although Petitioner testified that she pays a cellular telephone bill and has co-pays for prescription medication, she had not provided proof of those expenses as of the date of the hearing. Petitioner was informed that if she provided this information, it may increase her monthly FAP allowance. Based upon Petitioner's housing expense, she was entitled to receive an excess shelter deduction of \$219.00. Once the standard deduction and shelter deduction are subtracted from the group's income, the net income is \$[REDACTED].

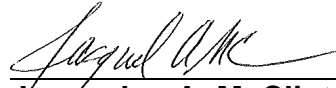
On November 29, 2018, the Department sent Petitioner a Notice of Case Action, which notified her that she would receive FAP benefits in the amount of \$[REDACTED] monthly effective December 1, 2018. Accordingly, based upon a net income of \$[REDACTED] the Department properly determined that Petitioner was entitled to a FAP benefit amount of \$[REDACTED] per month. RFT 260 (October 2018), p. 7.

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 that Petitioner was eligible for FAP benefits in the amount of \$ [REDACTED] per month effective December 1, 2018.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

JAM/tlf



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**Jacquelyn A. McClinton**  
Administrative Law Judge  
for Robert Gordon, 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

**Via Email:**

MDHHS-GrandTraverse-Hearings  
BSC1 Hearing Decisions

[REDACTED]

[REDACTED]

MAHS

**Petitioner – Via First-Class Mail:**

[REDACTED]

[REDACTED]

[REDACTED]