



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: March 12, 2019
MAHS Docket No.: 19-001116
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 March 7, 2019, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Valarie Foley.

ISSUE

Did the Department of Health and Human Services (Department) properly determine 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. Petitioner is an ongoing Food Assistance Program (FAP) recipient as a group of one.
2. Respondent receives a gross monthly income of \$1,181.
3. On November 30, 2018, the Department received verification that Petitioner is responsible for a \$800 monthly housing expense. Exhibit A, p 5.
4. On December 17, 2018, the Department received verification that Petitioner is responsible for property taxes due August 15, 2018, totaling \$979.27. Exhibit A, p 6.

5. On December 17, 2018, the Department received verification that Petitioner is responsible for properly taxes due February 14, 2019, totaling \$386.18. Exhibit A, p 11.
6. On December 17, 2018, the Department received verification that Petitioner is responsible for paying homeowners insurance in the annual amount of \$1,883.68. Exhibit A, p 12.
7. On February 11, 2019, the Department received Petitioner's request for a hearing protesting the size of her monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, pp 3-4.

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 Department will verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, the Department will remove the old expense until the new expense is verified. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), p 14.

Petitioner is a FAP recipient as a group of one with a gross monthly income of \$1,181, which was not disputed during the hearing. Petitioner's adjusted gross income of \$1,023 was determined by reducing her total income by the \$158 standard deduction.

Petitioner is entitled to an excess shelter deduction of \$1,102 as a senior/disabled/veteran FAP recipient. This deduction was determined from the total of the \$800 monthly housing expenses, her summer and winter tax bills totaling \$1,365.54 for the year divided by 12 months, and her annual home owner's insurance premium of \$1,883.68 divided by 12 months, and then subtracting 50% of her adjusted gross income.

Petitioner's net income of \$471 was determined by subtracting her excess shelter deduction from her adjusted gross income. A group of one with a monthly net income of \$471 is entitled to a \$50 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 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 Petitioner's eligibility for Food Assistance Program (FAP) benefits as of March 1, 2019.

The Department's representative testified that Petitioner was granted a \$16 monthly allotment of FAP benefits for January of 2019, based on a January 22, 2019, eligibility date. This prorated benefit was determined in accordance with BEM 556, which contains instructions for computing the food assistance budget, and is consistent with federal regulations in 7 CFR 273.10(a).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
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

DHHS

Susan Noel
26355 Michigan Ave.
Inkster, MI 48141

Wayne County (District 19), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED], MI [REDACTED]