



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: April 12, 2019  
MAHS Docket No.: 19-002380  
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 April 4, 2019, from Lansing, Michigan. Petitioner represented herself and [REDACTED] testified on her behalf. The Department was represented by Sara Kuczynski.

### **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 was an ongoing Food Assistance Program (FAP) recipient as a group of one on January 7, 2019, when the Department received her Redetermination (DHS-1010) form. Exhibit 1.
2. Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$771, and State Supplemental Security Income (SSP) in the gross monthly amount of \$10.50. Exhibit 3.
3. Petitioner is responsible for housing expenses of \$500 per month. Exhibit 1.
4. On February 29, 2019, the Department notified Petitioner that she was approved for Food Assistance Program (FAP) benefits with a \$78 monthly allotment as of February 1, 2019. Exhibit 4.

5. On March 1, 2019, the Department received Petitioner's request for a hearing protesting the amount of her monthly allotment of Food Assistance Program (FAP) benefits.

### **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 is an ongoing FAP recipient as a group of one. Respondent receives a total monthly income of \$1,106, which is the total of her SSI, SSP, and child support income. Petitioner's SSP benefits are paid quarterly and she is receiving those benefits as an independent living/couple in the monthly amount of \$10.50 each. See Department of Health and Human Services Reference Table Manual (RFT) 248 (January 1, 2019), p 1. Petitioner's adjusted gross income of \$948 was determined by reducing her total income by the \$158 standard deduction.

Petitioner is entitled to a shelter deduction of \$569 per month, which was determined by reducing the sum of her \$500 housing expense and the \$542 standard heat and utility deduction by 50% of her adjusted gross income. The shelter deduction maximum is \$552, but as an SSI recipient, Petitioner can take her full shelter deduction amount.

Petitioner's net income of \$379 was determined by reducing her adjusted gross income by the shelter deduction. A group of one with a net income of \$379 is entitled to a \$78

monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2018), p 6.

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 the Food Assistance Program (FAP).

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/dh



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**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**

Rolando Gomez  
1365 Cleaver Road  
Caro, MI 48723

Tuscola County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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