



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: May 30, 2019  
MOAHR Docket No.: 19-004335  
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 May 23, 2019, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Natalie McLaurin.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly determine 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. On [REDACTED], 2019, the Department received Petitioner's Assistance Application. Exhibit A, pp 5-7.
2. Petitioner reported housing expenses of \$550 on his March 12, 2019, Assistance Application. Exhibit A, pp 5-7.
3. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$1,827. Exhibit A, p 27.
4. Petitioner is responsible for paying Medicare Part B premiums in the monthly amount of \$135. Exhibit A, p 22.
5. On April 11, 2019, the Department notified Petitioner that she was eligible for a \$15 monthly allotment of Food Assistance Program (FAP) benefits effective

April 1, 2019, but no benefits for the month he submitted his application. Exhibit A, pp 8-10.

6. On April 23, 2019, the Department received Petitioner's verbal request for a hearing protesting the amount of Food Assistance Program (FAP) benefits which he has been granted. Exhibit A, pp 2-4.

### **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 consider only the medical expenses of senior/disabled/veteran (SDV) persons in the eligible group or SDV persons disqualified for certain reasons. An FAP group is not required to but may voluntarily report changes during the benefit period. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), pp 8-9.

The Medical Expenses amount is determined by totaling allowable monthly medical expenses (rounded to whole dollar amounts) and reducing this amount by a \$35 medical deduction. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (July 1, 2013), p 4.

On [REDACTED] 2019, the Department received Petitioner's Assistance Application. Petitioner receives RSDI in the gross monthly amount of \$1,827, which was not disputed during the hearing. Petitioner is entitled to a \$101 deduction for medical expenses (rounded up to an even dollar amount) as a senior/disabled/veteran household, which was determined by reducing his \$135 premium for Medicare Part B premiums by the \$35 standard medical deduction as directed by BEM 556. Petitioner's adjusted gross income of \$1,568 was determined by reducing his total gross monthly income by his medical deduction.

Petitioner is entitled to a \$309 deduction for monthly shelter expenses, which was determined by combining his reported housing expenses of \$550 with the \$543 standard heat and utility deduction, the reducing the total by 50% of his adjusted gross income.

Petitioner testified that his housing expenses were higher than \$550, but that is the amount reported on his application form, and no other verified housing expenses were reported to the Department.

Petitioner's net income of \$1,259 was determined by reducing his adjusted gross income by his shelter deduction. A group of one with a net income of \$1,259 is entitled to a \$15 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2018), p 18.

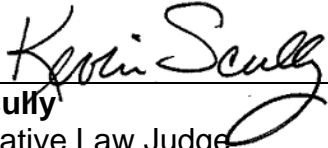
Benefits in the month the assistance application is filed with the Department are prorated based on the application date, except that the Department will not issue prorated benefits less than \$10. BEM 556, p 6. Therefore, Petitioner was not eligible for any FAP benefits in March of 2019.

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 based on the verified information available at the time of application.

**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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR 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**

Kathleen Verdoni  
411 East Genesee  
PO Box 5070  
Saginaw, MI 48607

Saginaw County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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