



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]

Date Mailed: December 10, 2019
MOAHR Docket No.: 19-010517
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 December 9, 2019 from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Assistant Attorney General Cassandra Drysdale-Crown. Appearing as witnesses for the Department were Ashley Turner, Assistance Payments Supervisor, and Jasmine Alexander, Eligibility Specialist. During the hearing, three multi-page documents were offered and admitted as Exhibit A, pp. 1-2; Exhibit B, pp. 1-5; and Exhibit C, pp. 1-6.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits, effective [REDACTED], 2019?

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 disabled and was an ongoing recipient of FAP benefits from the Department in a household size of one.
2. Petitioner had monthly unearned income of \$[REDACTED]. Petitioner also had housing costs of \$[REDACTED] per month and was responsible to pay for some utilities, including for heat.

3. On [REDACTED], 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that his monthly FAP benefits would be reduced by \$[REDACTED] to [REDACTED], effective [REDACTED], 2019. The reason given for the change was that Petitioner's "shelter deduction amount has changed because shelter expense has changed or income has changed." Exhibit B, pp. 1-5.
4. On [REDACTED] 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's determination of his FAP eligibility, effective [REDACTED] 2019.

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 objects to the Department's determination that Petitioner was eligible for \$[REDACTED] in FAP benefits per month, effective [REDACTED], 2019. In making that determination, the Department factored into Petitioner's budget Petitioner's monthly unearned income of \$[REDACTED] and the standard deduction of \$[REDACTED]. Additionally, Petitioner's monthly expenses were factored into the equation, including \$[REDACTED] for housing and the heat/utility (h/u) standard of \$[REDACTED].

The first step in determining Petitioner's FAP benefits eligibility is to subtract the standard deduction of \$[REDACTED] from Petitioner's income of \$[REDACTED]. That leaves an adjusted gross income of \$[REDACTED]. Petitioner did not report any child support, dependent care, or medical expenses that could be deducted.¹

However, Petitioner is eligible for the excess shelter deduction. Petitioner had housing costs of \$[REDACTED] and was eligible for the h/u standard of \$[REDACTED]. Adding the expenses Petitioner qualified for together, Petitioner had monthly shelter expenses of \$[REDACTED]. The

¹ At the hearing, Petitioner argued that the Department erroneously failed to consider certain medical expenses. However, Petitioner testified that he had just turned those expenses in a week or two prior to the December 9, 2019 hearing. Thus, the Department did not err by not considering those alleged expenses because even as Petitioner admits, the Department did not have them nor know of their existence until months after it made its determination.

excess shelter deduction is calculated by subtracting from the \$█, one half of the adjusted gross income of \$█, which is \$█. The remaining amount, if it is greater than \$0, is the excess shelter deduction. In this case, the remaining amount is \$█. Petitioner's net income of \$█ is calculated by subtracting the excess shelter deduction (\$█) from the adjusted gross income (\$█), which is what the Department properly found. Exhibit C, pp. 4-6.

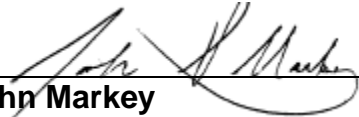
The Food Assistant Issuance Table shows \$█ in benefits for \$█ net income for a household of one. RFT 260 (October 2019), p. 6. This is the amount determined by the Department and is correct. The Department acted in accordance with Department policy when it determined Petitioner's monthly FAP benefits, effective █, 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 that Petitioner was eligible for \$█ in FAP benefits, effective █, 2019.

DECISION AND ORDER

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

JM/tm



John Markey
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 Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Counsel for Respondent

Cassandra A. Drysdale-Crown
P.O. Box 30758
Lansing, MI
48909

DHHS

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI
49507

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

cc: FAP: M. Holden; D. Sweeney
AP Specialist Kent (3)