



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: December 12, 2019
MOAHR Docket No.: 19-011785
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, a telephone hearing was held on December 4, 2019, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Cheryl Watkins and Wanda Daniel.

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 March 15, 2019, the Department notified Petitioner that she was eligible for a \$117 monthly allotment of Food Assistance Program (FAP) benefits as of April 1, 2019. Exhibit A, pp 19-22.
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 \$14.
3. On September 5, 2019, the Department received Petitioner's completed Redetermination (DHS-1010) form. Exhibit A, pp 8-15.
4. Petitioner reported on her September 5, 2019, Redetermination form that she is responsible for rent in the monthly amount of \$78, and that she is responsible to pay for utilities separately from her rent. Exhibit A, p 13.

5. On September 24, 2019, the Department notified Petitioner that she was eligible for a \$92 monthly allotment of Food Assistance Program (FAP) benefits as of October 1, 2019. Exhibit A, pp 5-6.
6. On October 25, 2019, the Department received Petitioner's request for a hearing. Exhibit A, pp 1-2.

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, and on March 15, 2019, the Department initiated a routine review of her eligibility for ongoing benefits based on the information she reported on her Redetermination form. Petitioner receives SSI in the gross monthly amount of \$771, and SSP in the gross monthly amount of \$14, which was determined by dividing this benefit paid quarterly by three months. Petitioner's adjusted gross income of \$624 was determined by reducing her total monthly income by the \$161 standard deduction.

Petitioner is entitled to a \$284 deduction for shelter expenses, which was determined by reducing the sum of her \$78 monthly rent obligation and the \$518 standard monthly heat and utility deduction by 50% of her adjusted gross income.

Petitioner argued that her obligation to pay rent has increased.

However, Petitioner failed to present any evidence of an increased obligation to pay rent. Further, Petitioner self-reported a \$78 rent expense on her September 5, 2019, Redetermination form.

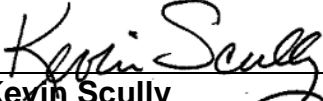
Petitioner's net income of \$340 was determined by reducing her adjusted gross income by her shelter deduction. A group of one with a \$340 net monthly income is entitled to a \$92 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2019), pp 5.

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) as of October 1, 2019.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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

DHHS

Courtney Jenkins
22 Center Street
Ypsilanti, MI 48198

Washtenaw County, DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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