



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 27, 2019
MOAHR Docket No.: 19-012392
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 18, 2019 from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Nicole Williams, Assistance Payments Specialist, and Nicole Carey, Assistance Payments Supervisor. During the hearing, a 19-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-19.

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 was an ongoing recipient of FAP benefits from the Department.
2. On [REDACTED], 2019, Petitioner submitted to the Department a completed Redetermination form. On that form, Petitioner indicated that she had a change in rent to \$[REDACTED] per month. Exhibit A, pp. 3-5.
3. Shortly after turning in the completed Redetermination, Petitioner was interviewed by the Department. During the interview, Petitioner indicated that she was not responsible for any utilities at her new residence.

4. On [REDACTED] 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that she was approved for FAP benefits in the amount of [REDACTED] per month, effective [REDACTED] 2019. Exhibit A, pp. 7-11
5. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's determination of her 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 objected to the Department's reduction of her monthly FAP benefits upon redetermination, effective [REDACTED], 2019. The reduction in monthly benefits was caused entirely by the removal from the budget of the h/u standard and reduction of monthly rental costs. The Department reduced the rental costs being budgeted based on the information Petitioner provided on the Redetermination form. The Department removed the h/u standard from the budget because Petitioner informed her worker during the redetermination interview that she was not responsible for any utilities at her new place of residence. During the hearing, Petitioner confirmed that at the time the decision was made, Petitioner was not responsible for any utilities and that her rental costs were properly budgeted at [REDACTED].

Petitioner's FAP benefits for [REDACTED] 2019, ongoing, were calculated on the basis of Petitioner having monthly unearned income of [REDACTED] and monthly housing expenses of [REDACTED]. Furthermore, the calculation included a standard deduction of \$161 and the application of the telephone standard of \$30.

Petitioner acknowledged the unearned income amount. The standard deduction of \$161 was then taken out, resulting in adjusted gross income of \$[REDACTED]. RFT 255 (October 2019), p. 1. Petitioner did not report any child care, medical, or child support expenses. Thus, those deductions are not applicable.

Likewise, Petitioner is not eligible for the excess shelter deduction. The Department budgeted housing costs of [REDACTED]. Petitioner was not eligible for the h/u standard of \$518 based on the fact that Petitioner did not pay for any utilities at the time of the decision.¹ Petitioner did, however, qualify for the telephone standard of [REDACTED]. Adding the expenses Petitioner qualified for together, Petitioner had monthly shelter expenses of \$[REDACTED]. The excess shelter deduction is calculated by subtracting from the \$[REDACTED] one half of the adjusted gross income of \$[REDACTED], which is [REDACTED]. The remaining amount, if it is greater than \$0, is the excess shelter deduction. In this case, the remaining amount is less than zero. Thus, Petitioner is not eligible for an excess shelter deduction.


Petitioner's net income of [REDACTED] is the same as the adjusted gross income as no deductions are applicable. That is exactly what the Department properly found. Exhibit A, pp. 8, 18. The Food Assistant Issuance Table shows \$[REDACTED] in benefits for \$[REDACTED] net income for a household of one. RFT 260 (October 2019), p. 9. This is the amount determined by the Department and is correct.

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 FAP benefits, effective December 1, 2019, ongoing.

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

¹ Petitioner testified during the hearing that she will be responsible for paying [REDACTED] per month towards utilities at some point in the near future. When that happens, Petitioner may report the change. Upon verification, that may result in additional shelter expenses being budgeted.

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

Richard Latimore
4733 Conner
Detroit, MI
48215

Petitioner

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

cc: FAP: M. Holden; D. Sweeney
AP Specialist-Wayne County