



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: November 18, 2022
MOAHR Docket No.: 22-003472
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 November 16, 2022. The Petitioner represented himself and his Social Worker from the Grand Rapids Housing Commission, Eulonda Reeves, spoke on his behalf. The Department of Health and Human Services (Department) was represented by Veronica Rumschlag, Assistance Payments Supervisor (APS).

ISSUE

Did the Department properly determine that the Petitioner was no longer eligible for Heat and Utility Standard deduction 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. The Petitioner was a recipient of FAP benefits with the Heat and Utility Standard deduction with a redetermination due in July 2022. Department Exhibit 1, pgs. 5-7 and 11-14.
2. On July 16, 2022, the Department determined that the Petitioner did not receive a Home Heating Credit of more than \$20.01 in 2022 where he is not obligated to pay heat and electricity utilities at his current residence, resulting in the removal of the Heat and Utility Standard deduction and a decrease in FAP benefits from \$173 a month to \$40 a month. Department Exhibit 1, pgs. 8-10.

3. On July 16, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that stated that effective August 1, 2022, the Petitioner had a decrease in FAP benefits to \$40 a month. Department Exhibit 1, pgs. 16-20.
4. On August 8, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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, the Petitioner was a recipient of FAP benefits with the Heat and Utility Standard deduction with a redetermination due in July 2022. Department Exhibit 1, pgs. 5-7 and 11-14. On July 16, 2022, the Department determined that the Petitioner did not receive a Home Heating Credit of more than \$20.01 in 2022 where he is not obligated to pay heat and electricity at his current residence, resulting in the removal of the Heat and Utility Standard deduction and a decrease in FAP benefits from \$173 a month to \$40 a month. Department Exhibit 1, pgs. 8-10. On July 16, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that stated that effective August 1, 2022, the Petitioner had a decrease in FAP benefits to \$40 a month. Department Exhibit 1, pgs. 16-20. On August 8, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 105, 110, 130, 210, 220, and 600. BEM 554.

During the hearing, the Petitioner stated that he never applied for anything previously and he was given the Heat and Utility Standard deduction, which maximized his FAP eligibility. He was upset that he no longer had the deduction and had a significant decrease in his FAP benefits. The Petitioner did not apply for the Home Heating Credit by September 30, 2022, which would have made him eligible for the Heat and Utility Standard deduction.

The information flyer was included in the hearing packet along with the instructions to call 2-1-1 to request assistance in filing the claim. Department Exhibit 1, pg. 22. The Petitioner did not file a claim so he will not be eligible for the Heat and Utility Standard deduction, which would increase his FAP benefits. With the COVID supplement, the


Petitioner is getting the maximum FAP benefits each month. The Petitioner may need the Department's assistance in filing for the Home Heating Credit.

DECISION AND ORDER

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 the Petitioner was no longer eligible for the Heat and Utility Standard deduction because he did not apply for the Home Heating Credit by September 30, 2022. The Petitioner is still receiving the maximum amount of FAP benefits due to the COVID supplement.

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

CF/cc



Carmen G. Fahie
Administrative Law Judge

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

Via-Electronic Mail :

Interested Parties

MDHHS-Kent-Hearings
BSC3-HearingDecisions
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED] MI [REDACTED]