



5. On February 16, 2023, the Department Caseworker determined the Petitioner's eligibility for FAP benefits and sent the Petitioner a Benefit Notice, DHS 176, that her FAP benefits would be [REDACTED] effective [REDACTED] 2023 ongoing.
6. On February 27, 2023, 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 applied for FAP benefits on February 24, 2023. The Petitioner has a household group composition of her and her son, [REDACTED], who is under the age of [REDACTED] years old, making him a mandatory group member. On February 6, 2023, the Department received verification through the Call Center from the Petitioner about her son's rent and his check stubs.

On February 15, 2023, the Department Caseworker received written verification of the Petitioner's son's employment from [REDACTED]. On February 16, 2023, the Department Caseworker determined the Petitioner's eligibility for FAP benefits and sent the Petitioner a Benefit Notice, DHS 176, that her FAP benefits would be [REDACTED] effective [REDACTED] 2023 ongoing. On February 27, 2023, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BEM 212, 505, and 554.

During the hearing, the Department stated that the Petitioner's son must be counted as part of her household group composition even if they buy, eat, and prepare food separately because he is under [REDACTED] years of age and has to be on her case based on Department policy found in BEM 212.

## BEM 212, FOOD ASSISTANCE PROGRAM GROUP COMPOSITION

### DEPARTMENT POLICY

Bridges will help determine who must be included in the Food Assistance Program (FAP) group prior to evaluating the non-financial and financial eligibility of everyone in the group.

Food Assistance Program group composition is established by determining all of the following:

1. Who lives together.
2. The relationship(s) of the people who live together.
3. Whether the people living together purchase and prepare food together or separately.
4. Whether the person(s) resides in an eligible living situation; see **LIVING SITUATIONS** in this item.

### RELATIONSHIPS

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First, determine if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately.

#### Parents and Children

Children include natural, step and adopted children.

Parents and their children **under** 22 years of age who live together **must** be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group.

**Note:** For ongoing and intake applications where the child(ren) are not yet 22, they are potentially eligible for their own case, the month after turning 22.

The Petitioner had earned income of [REDACTED]. After deductions from gross income of [REDACTED] of [REDACTED] standard deduction and earned income deduction of [REDACTED] for an adjusted gross income of [REDACTED]. The Petitioner was given a total shelter deduction of [REDACTED] resulting from a housing expense of [REDACTED] and heat and utility standard of [REDACTED]. The Petitioner was given an adjusted excess shelter deduction of [REDACTED] with a total shelter deduction of [REDACTED] minus 50% of adjusted gross income of [REDACTED]. The Petitioner had a net income of [REDACTED] which was the adjusted gross income of [REDACTED] minus the excess shelter deduction of [REDACTED]. With a net income of [REDACTED] the Petitioner qualified with a household group size of 2 for a maximum benefit of [REDACTED] plus \$0 in economic recovery minus 30% of net income of [REDACTED] resulting in a net benefit amount of [REDACTED] per month in FAP benefits.

### **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 properly determined the Petitioner's household group composition that included her son that was under [REDACTED] years of age and the Petitioner's eligibility for FAP benefits based on household income.

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-Ottawa-Hearings  
BSC3-HearingDecisions  
D. Sweeney  
M. Holden  
MOAHR

**Via-First Class Mail :**

**Petitioner**

████████████████████  
████████████████████  
██████ MI ██████