



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: October 17, 2024  
MOAHR Docket No.: 24-010008  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner**

**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 hearing was held by telephone on October 7, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist.

**ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits?

**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 had been an ongoing FAP recipient for a one-person FAP group. Petitioner's FAP case was closed effective July 31, 2024 for failure to return her Mid-Certification Contact Notice. (Exhibit A, pp. 6 – 12).
2. Petitioner is disabled and receives Retirement, Survivors, and Disability Insurance (RSDI) income and Supplemental Security Income (SSI) in the total amount of \$977 per month. Petitioner has no other income. (Exhibit A, p. 1).
3. On [REDACTED] 2024, the Department received a completed FAP application from Petitioner. (Exhibit A, p. 1).

4. On August 30, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) that approved Petitioner for FAP benefits of \$57 per month for a one-person FAP group and prorated Petitioner's benefits beginning August 7, 2024. (Exhibit A, pp. 14 – 15).
5. On September 3, 2024, the Department received a request for hearing from Petitioner disputing the amount of Petitioner's monthly FAP benefit. (Exhibit A, pp. 4 – 5).

### **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.

Petitioner requested a hearing to dispute the amount of her monthly FAP benefit. The Department approved Petitioner for \$57 per month for a one-person FAP group and prorated from [REDACTED] 2024, the date of Petitioner's FAP application.

To determine whether the Department properly calculated Petitioner's FAP benefit amount, the Department begins with the client's countable earned and unearned income. BEM 500 (April 2022), pp. 1 – 5. For RSDI and SSI, the Department counts the gross benefit amount as unearned income. BEM 503 (April 2024), pp. 30 – 32, 35 – 36. In this case, the Department and Petitioner agreed that Petitioner's total monthly income was from RSDI and SSI in the amount of \$977. (Exhibit A, p. 1).

After countable income is calculated, the Department must determine which deductions are available to Petitioner. Because Petitioner is disabled, she is considered a senior/disabled/veteran (SDV) household. BEM 550 (February 2024), p. 1. Households with SDV members with unearned income may be eligible for the following deductions only:

- Standard deduction based on group size.
- Dependent care expense.
- Medical expense deduction for medical expenses of the SDV member in excess of \$35.

- Court ordered child support and arrearages paid to non-household members.
- Excess shelter deduction.

BEM 554 (July 2024) p. 1; BEM 556 (May 2024) pp. 4 – 6.

Petitioner was entitled to, and received, a \$198 standard deduction from her countable income based on her one-person FAP group size. BEM 550, p. 1; RFT 255 (October 2023). (Exhibit A, p. 24). Petitioner did not report any medical expenses or health insurance premiums in excess of \$35, dependent care expenses, or court ordered child support expenses, and the Department properly did not include deductions for those expenses. (Exhibit A, p. 24).

Next, the Department determines any excess shelter expense deduction. To start, the Department first calculates Petitioner's adjusted gross income (AGI) by subtracting the allowable deductions outlined above from the countable income. As discussed, the evidence established that Petitioner's gross income was \$977 and that she was only entitled to the standard deduction of \$198, which resulted in AGI of \$779.

To complete the excess shelter deduction calculation, the Department reviews Petitioner's housing and utility expenses, if any. The Department testified, and Petitioner agreed, that Petitioner had a housing expense of \$283 per month, was responsible for payment of her telephone service. Because Petitioner was not responsible for payment of any heating or cooling expense and had not received a Low-Income Home Energy Assistance Payment (LIHEAP) or home heating credit (HHC) of more than \$20 in the application month or in any of the 12 months immediately before the application month, she was not eligible for the \$680 heat and utility (h/u) standard that she had received in the past. BEM 554, pp. 20 – 21. Clients who do not have a heating or cooling expense and have a telephone expense are entitled to only a telephone standard amount to be included in the calculation of the excess shelter deduction. BEM 554, p. 24. Until October 1, 2024, the telephone standard amount was \$31. RFT 255 (October 2023).

Once Petitioner's housing and utility expenses have been determined, the Department must add those amounts together for a total shelter amount and then subtract 50% of Petitioner's AGI from the total shelter amount. BEM 556 (May 2024), pp. 5 – 6. This determines Petitioner's excess shelter deduction. The total of Petitioner's monthly housing of \$283 and the telephone standard of \$31 was \$314. When 50% of Petitioner's \$779 AGI, in the amount of \$390, is subtracted from the total shelter amount of \$314, Petitioner's excess shelter deduction was \$0. When Petitioner's excess shelter deduction of \$0 is subtracted from her AGI of \$779, Petitioner's net income remains \$779. (Exhibit A, p. 24). The Department's calculations were made consistent with policy.

Once the net monthly income has been determined in accordance with FAP policy, the Department determines what benefit amount Petitioner is entitled to, based on the

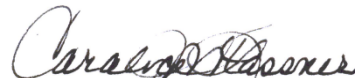
group size, according to the Food Assistance Issuance Table found in RFT 260. Based on Petitioner's one-person FAP group size and net income of \$779, the Department properly determined Petitioner's monthly benefit amount of \$57 for September 1, 2024 ongoing, prorated from August 7, 2024, the date of her FAP application. RFT 260 (October 2023), p. 11.

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 FAP benefit amount effective August 7, 2024 ongoing.

**DECISION AND ORDER**

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

CML/nr



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**Caralyce M. Lassner**  
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 :**

**DHHS**

Susan Noel  
Wayne-Inkster-DHHS  
26355 Michigan Ave  
Inkster, MI 48141

**MDHHS-Wayne-19-Hearings@michigan.gov**

**Interested Parties**

BSC4  
M. Holden  
N. Denson-Sogbaka  
B. Cabanaw  
MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
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