



Date Mailed: April 11, 2025

Docket No.: 25-006834

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

HEARING DECISION

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; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on April 2, 2025, from Lansing Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Danielle O'Shesky, Lead Worker.

A 73-page packet of documents provided by the Department was admitted as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amounts for the period of January 2025 through March 2025?

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.

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2. On November 10, 2024, the Department received from Petitioner, the information and verification needed to redetermine her FAP eligibility for the review period of January 2025 through December 2025.
 3. Petitioner was living with her six children and the father of her children [REDACTED] effective January 2025, and no one in the group was senior, disabled, or a veteran (SDV). (Exhibit A, p. 80)
 4. [REDACTED] was employed and receiving gross earned income in the amount of [REDACTED] for the months of January 2025 through March 2025. (Exhibit A, p. 10)
 5. Petitioner's monthly rent effective January 2025 was \$1500, and she was responsible for heat, utilities and internet expenses. (Exhibit A, p. 17).
 6. The Department determined that Petitioner's FAP group was receiving [REDACTED] in child support income from [REDACTED] effective January 2025.
 7. On January 14, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) advising her that her household was eligible for a \$152.00 FAP benefit amount for a group size of 8 for the period of January 2025 through December 2025. (Exhibit A, p. 9).
 8. After sending Petitioner the January 14, 2025, NOCA, the Department determined that Petitioner's FAP allotment should be \$422 per month because C.U. was living in Petitioner's home, and the child support income that he was paying for his and petitioner's children should not have been counted as income in determining Petitioner's FAP eligibility. (Exhibit A, p. 1).
 9. The Department determined that Petitioner was entitled to a \$721 FAP allotment effective April 2025.
 10. On February 25, 2025, the Department received a verbal request for hearing from Petitioner disputing the FAP benefit amount for the months of January 2025 through March 2025. (Exhibit A, p. 1-4).

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

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MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner testified that she disagrees with the Department's determination of her FAP allotment retro to August 2024. However, the time period to request a hearing is within 90 days of the Department's action or eligibility determination. Petitioner failed to establish or provide any documents such as a NOCA to show that she requested a timely hearing to dispute the Department's determination of her FAP benefit amount for the months of August 2024 through December 2024. A household may request a hearing to dispute its current level of FAP benefits at any time during the certification period. 7 CFR 273.15 and BAM 600. Therefore, Petitioner is entitled to a hearing to determine whether the Department properly determined her FAP benefit amount during the FAP certification period of January 2025 through December 2025.

At redetermination, the Department determined that Petitioner was eligible for a 152.00 FAP allotment effective January 2025. Afterwards, the Department determined that it erred in determining the countable income of Petitioner's household because it was improperly counting [REDACTED] of child support from [REDACTED] who was living with Petitioner and their children. The department redetermined Petitioner's FAP eligibility and determined that Petitioner was eligible for a FAP allotment of \$422 effective February 2025.

The Department uses countable income to determine eligibility and benefit levels. Income remaining after applying the policy in the income related items is called **countable**. For FAP purposes, all earned and unearned income available to an applicant or recipient of benefits is countable. The Department uses gross income when determining countable income. Gross income is the amount of income before any deductions such as taxes or garnishments, and the amount counted may be more than the client actually receives. BEM 500. In this case, the countable gross amount of earned income received by Petitioner's household was [REDACTED] Petitioner did not dispute the countable earned income received by her household.

Every case is allowed a 20% earned income deduction and a standard deduction. Petitioner had a FAP group size of 8, which included Petitioner, C.U., and six children. The Department gave Petitioner a 20% income deduction in the amount of \$1185.00, and the standard deduction for a group size of 6 or more is \$291.00. After subtracting the earned income deduction and standard deduction from Petitioner's countable gross monthly earned income, the adjusted gross income would be [REDACTED] ([REDACTED]). BEM 550 and RFT 255.

Bridges, the Department's computer information system, uses certain expenses to determine net income for FAP eligibility and benefit levels. Bridges considers the following: (1) dependent care expenses; (2) shelter expenses; (3) court ordered child support and arrearages paid to non-household members, and (4) medical expenses for the SDV member(s) that exceed \$35.00. BEM 554, p. 1.

The evidence on the record establishes that Petitioner had only shelter expenses during the time in question, and she did not qualify for a dependent care, medical or child support expense deduction. Petitioner's monthly housing expense was \$1,500.00, and she was entitled to a standard heat and utility expense of \$664.00, and an internet deduction in the amount of \$50.00. *RFT 255*. Therefore, Petitioner's total monthly shelter expense was \$2,214.00 (\$1,500 + \$664.00 + \$50.00). Petitioner did not dispute the amount of her monthly shelter expenses.

The Department was required to deduct 50% of Petitioner's adjusted gross income (.5 x [REDACTED]) from the total shelter amount, which left an adjusted excess shelter amount of \$0.00 ([REDACTED]). *BEM 556*.

The shelter maximum deduction is \$712.00. *RFT 255*. For Non-SDV groups, the Department is required to deduct the lesser of the adjusted excess shelter amount or the shelter maximum from the adjusted gross income, which leaves net income in the amount of [REDACTED]. *BEM 556*

According to *RFT 260*, a FAP group size of 8 with net income in the amount of [REDACTED] would be entitled to a \$422 monthly FAP allotment. *BEM 556*. Therefore, the Department properly determined Petitioner's FAP benefit amount for the months of February and March 2025. However, the Department failed to establish that it sent Petitioner proper notice of this eligibility determination.

The Department determined that Petitioner's FAP group was only entitled to a \$152.00 FAP allotment effective January 2025. The Department included [REDACTED] in child support income that was being paid by C.U., the father of Petitioner's children. On January 14, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) advising her that her household was eligible for a \$152.00 FAP benefit amount for a group size of 8 for the period of January 2025 through December 2025. However, the Department determined that Petitioner's FAP group size for January 2025 was 8, which included Petitioner, C.U., and their six children. *Exhibit A, pp. 9-12, and 16*. The Department failed to establish that Petitioner was only entitled to a \$152.00 FAP allotment for January 2025 based on the same amount of countable income and shelter expenses that Petitioner's FAP group had effective February 2025.

Additionally, the Department testified that Petitioner was entitled to a total FAP supplement in the amount of \$540.00 (\$270.00 x 2) for February and March, 2025, because Petitioner received only a \$152 FAP benefit amount for those months instead of the \$422.00 FAP benefit amount she was eligible for. However, Petitioner testified that she has not received the \$540.00 FAP supplement. While the Department testified that the supplement was issued to Petitioner on March 17, 2025, the Department failed to provide any documentation to rebut Petitioner's testimony and establish that Petitioner received the \$540.00 FAP supplement.

DECISION AND ORDER

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The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department properly determined Petitioner's FAP benefit amount for the months of February and March 2025. However, the Department failed to establish that it properly determined Petitioner's FAP eligibility for January 2024, and that Petitioner was issued the FAP supplement that she was eligible to receive.

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the FAP eligibility determination for the months of February and March 2025, and **REVERSED IN PART** with respect to the FAP eligibility determination for the month of January 2025.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's FAP eligibility for the month of January 2025.
2. Issue the FAP supplement that Petitioner is otherwise eligible to receive for the months of January through March 2025, if applicable.
3. Send Petitioner proper notice of her FAP eligibility effective January through March 2025, in accordance with the applicable policy.



MARYA A. NELSON-DAVIS
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR),

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including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

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