



Date Mailed: March 20, 2025

Docket No.: 25-007777

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।

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

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

### HEARING DECISION

On February 18, 2025, Petitioner, [REDACTED], requested a hearing to dispute Petitioner's eligibility for Food Assistance Program (FAP) benefits beginning March 1, 2025. As a result, a hearing was scheduled to be held on March 18, 2025, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Jennifer Richard, Assistance Payments Supervisor.

### ISSUE

Did the Department properly determine Petitioner's eligibility for FAP benefits beginning March 1, 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 applied for State Emergency Relief (SER) benefits on [REDACTED] 2025.
2. On January 30, 2025, the Department verified Petitioner's income via Social Service Verification.

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3. The Department determined that Petitioner received the following wages from Petitioner's employment at [REDACTED]
- a. [REDACTED] 2024, \$ [REDACTED]
  - b. [REDACTED] 2024, \$ [REDACTED]
  - c. [REDACTED] 2024, \$ [REDACTED]
  - d. [REDACTED] 2024, \$ [REDACTED]
  - e. [REDACTED] 2025, \$ [REDACTED]
  - f. [REDACTED] 2025, \$ [REDACTED]
  - g. [REDACTED] 2025, \$ [REDACTED]
4. The Department determined that the maximum FAP benefit Petitioner is eligible for is \$124.00 per month from March 1, 2025, through November 30, 2025.
5. On February 18, 2025, Petitioner requested a hearing to dispute Petitioner's FAP benefit amount.

### **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 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 Department determined that the maximum FAP benefit Petitioner is eligible for is \$124.00 per month from March 1, 2025, through November 30, 2025. Petitioner refuted the Department's calculation of Petitioner's earned income.

Here, the department representative was unable to explain to the undersigned and Petitioner how Petitioner's countable income was determined by the Department when making its eligibility determination. Accordingly, the Department failed to meet its burden of going forward and establishing that it properly determined Petitioner's eligibility for FAP benefits.

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## **DECISION AND ORDER**

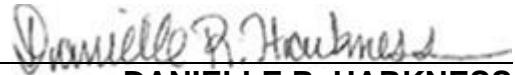
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The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to act in accordance with its policies and the applicable law when it determined Petitioner's FAP benefit amount.

IT IS ORDERED that the Department's decision is **REVERSED**.

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 eligibility for FAP benefits beginning March 1, 2025.



**DANIELLE R. HARKNESS**  
**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), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at [courts.michigan.gov](https://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](mailto: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

25-007777

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**Via Electronic Mail:**

**Respondent**

KENT COUNTY DHHS  
121 MARTIN LUTHER KING JR ST SE  
STE 200  
GRAND RAPIDS, MI 49507  
**MDHHS-KENT-HEARINGS@MICHIGAN.GOV**

**Interested Parties**

BSC3  
M Holden  
B Cabanaw  
MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]