



Date Mailed: April 17, 2025

Docket No.: 25-011366

Case No.: [REDACTED]

Petitioner: [REDACTED]

«RECIP_FULL_NAME»

«RECIP_ADD0»

«RECIP_ADD1»

«RECIP_ADD2»

«RECIP_CITY», «RECIP_SPCODE»

«RECIP_POSTAL»

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.

这是一份重要的法律文件。请让别人翻译文件。

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

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 10, 2025, Petitioner, [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on April 15, 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. [REDACTED] appeared as an observer of the hearing. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's 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. On January 25, 2025, Petitioner submitted a semi-annual review.
2. Petitioner has a household size of 5.
3. Petitioner receives earned income of [REDACTED] per month.

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4. Petitioner receives [REDACTED] per month from Petitioner's children's father to assist with expenses for the children.
 5. Petitioner's sister receives Supplemental Security Income (SSI) income of [REDACTED] per month and a state SSI benefit of [REDACTED] per month.
 6. Petitioner's son receives SSI income of [REDACTED] per month and a state SSI benefit of [REDACTED] per month.
 7. At the time that the March 2025 FAP budget was run by the Department, an overpayment of \$94.30 per month was subtracted from Petitioner's son's income resulting in Petitioner's son receiving SSI income of [REDACTED]
 8. The Department determined that Petitioner's total monthly unearned income was [REDACTED] and used that amount in determining Petitioner's FAP eligibility effective March 1, 2025.
 9. Petitioner reported that she has a mortgage expense of \$1,814.59 per month, and because Petitioner reported that she pays for heat and internet, Petitioner received the heat/utility standard of \$664.00 and the internet standard of \$50.00.
 10. On February 21, 2025, a Notice of Case Action was issued stating that Petitioner's FAP benefit amount would be \$906.00 per month from March 1, 2025, through August 31, 2025.
 11. On March 10, 2025, Petitioner requested a hearing to dispute the Department's determination.

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.

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 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 calculating the FAP budget, the Department considers the gross benefit amount of Social Security Administration issued SSI as unearned income. BEM 503, January 1, 2023, p. 35.

Petitioner's sister receives SSI income of [REDACTED] per month and a state SSI benefit of [REDACTED] per month. Petitioner's son receives SSI income of [REDACTED] per month and a state SSI benefit of [REDACTED] per month. At the time that the March 2025 FAP budget was run by the Department, an overpayment of \$94.30 per month was subtracted from Petitioner's son's income. Petitioner receives [REDACTED] per month from Petitioner's children's father to assist with expenses for the children. These amounts were added resulting in unearned income of [REDACTED] + [REDACTED] + [REDACTED] - [REDACTED] + [REDACTED] + [REDACTED]

Here, Petitioner's FAP group receives earned income of [REDACTED] per month and unearned income of [REDACTED] per month. Therefore, Petitioner's countable income is [REDACTED] + [REDACTED]. An earned income deduction of 20% (.20 x [REDACTED]) was subtracted from her total income amount resulting in [REDACTED]

Every case is allowed the standard deduction shown in RFT 255. BEM 550, p. 1. The standard income deduction for Petitioner's FAP group size of 5 was \$254.00. After subtracting that standard deduction from Petitioner's gross monthly unearned income, the adjusted gross income would be [REDACTED] - \$254.00). BEM 550.

Bridges, the Department's computer information system, uses certain expenses to determine net income for FAP eligibility and benefit levels. For groups with one or more senior/disabled/disabled veteran (SDV) member, Bridges uses the following: (1) dependent care expense; (2) excess shelter; (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 did not qualify for a dependent care, medical or child support expense deduction.

Petitioner's monthly housing expense was \$1,814.59. Petitioner was entitled to a standard heat and utility expense of \$664.00, and a standard internet expense of \$50.00 which resulted in a total shelter amount of \$2,529.00 (\$1,815.00 + \$664.00 + 50.00). 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 [REDACTED] - [REDACTED]

Petitioner was entitled to have her adjusted excess shelter amount or excess shelter deducted from her adjusted gross income, leaving a net income amount of [REDACTED] - [REDACTED] BEM 550.

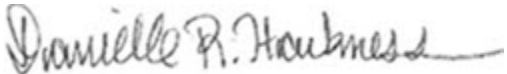
The food assistance issuance table can be found in Bridges RFT 260. This table provides the amount of monthly FAP benefits a client can receive based on monthly net income and household size. According to RFT 260, Petitioner's FAP group size of 5 with countable net income of [REDACTED] is entitled to a \$906.00 monthly FAP allotment. Therefore, the Department properly determined Petitioner's monthly FAP benefit.

Based on the evidence presented, Petitioner failed to establish that the Department improperly determined her eligibility for FAP benefits beginning March 1, 2025, based on Petitioner's income at the time the February 21, 2025, Notice of Case Action was issued.

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 its policies and the applicable law when it determined Petitioner's FAP benefit amount beginning March 1, 2025.

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



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. 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:

Respondent

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Interested Parties

BSC2
B CABANAW
M HOLDEN
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]