



Date Mailed: February 18, 2025

Docket No.: 25-002881

Case No.:

Petitioner:

«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.

### **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 February 13, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Tiffany Dixon, Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective October 1, 2024?

### **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 for a two-person FAP group that included herself and her minor son, Cyler (Child).
2. On December 30, 2024, the Department obtained a Work Number report from Equifax to verify Petitioner's earned income with her permission. (Exhibit A, pp. 8 – 9).

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3. On December 30, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) that denied Petitioner FAP benefits due to excess gross income effective October 1, 2024. The Department determined the FAP group's gross income was \$[REDACTED] per month. (Exhibit A, pp. 21 – 22).
  4. On [REDACTED] 2025, the Department received an application for FAP assistance from Petitioner. (Exhibit A, pp. 28 – 34).
  5. On January 2, 2025, the Department received paystubs from Petitioner for pay dates December 6, 2024 and December 20, 2024. The paystubs reflect Petitioner is paid bi-weekly and were consistent with the Work Number report. (Exhibit A, pp. 13 – 14).
  6. On January 10, 2025, the Department received a request for hearing from Petitioner disputing the closure of her FAP case and explaining her health issues. (Exhibit A, pp. 3 – 6).
  7. On January 31, 2025, the Department sent Petitioner a NOCA that denied Petitioner FAP benefits due to excess income effective January 2, 2025.

### **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 closure of her FAP case. The Department closed Petitioner's FAP case due to excess gross income effective October 1, 2024.

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income and must consider all countable earned and unearned income available to the Petitioner. BEM 500 (April 2022), pp. 1 – 5. For purposes of FAP, wages are counted as earned income and may be prospectively. BEM 501 (January 2024), pp. 6 – 7. The gross amount of child support income is counted as unearned income. BEM 503 (October 2024), pp. 6, 10.

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The calculation of earned income begins with gross income, which is the amount of income before any deductions such as taxes and may be more than the amount an individual actually receives. BEM 500, pp. 4 – 5. Prospective income is income not yet received, but expected, and is based on the past 30 days when that income appears to accurately reflect what is expected to be received in the benefit month. BEM 505 (October 2023), pp. 1, 6 – 7. For the purposes of FAP, the Department must convert income that is received more often than monthly into a standard monthly amount. The average of bi-weekly amounts is multiplied by 2.15. BEM 505, pp. 8 – 9.

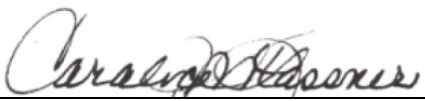
In this case, in support of its determination that Petitioner was ineligible for FAP benefits due to excess income, the Department introduced a net income budget, which also reflected its calculation of Petitioner's gross income. (Exhibit A, p. 15). To calculate the FAP group's countable income, the Department testified that it used Petitioner's bi-weekly wages, from December 6, 2024 and December 20, 2024, and converted the average of those paystubs to a standardized monthly amount to determine her earned income was \$[REDACTED]. A review of the evidence confirmed that the Department properly calculated Petitioner's earned income of \$[REDACTED] per month based on the paystubs it used, and further that if the Department had utilized Petitioner's October or November 2024 income, Petitioner's earned income was higher than the amount used by the Department. The parties agreed that Petitioner also received \$[REDACTED] per month in child support income. Therefore, the Department properly determined the FAP group's total countable income was \$[REDACTED].

The highest monthly income limit for FAP eligibility is 200% of the monthly federal poverty level (FPL) for the group size. BEM 213 (March 2024), pp. 1 – 2. For a FAP group of two, such as Petitioner's, 200% of the 2024 FPL was \$3,408. RFT 250 (October 2024); 89 Fed Reg 2961 - 2963. Thus, based on Petitioner's two person FAP group size and gross income of \$[REDACTED], Petitioner had excess gross income and was ineligible for FAP benefits. Therefore, the Department properly closed Petitioner's FAP case due to excess gross income.

### **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 closed Petitioner's FAP case effective October 1, 2024 due to excess gross income.

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

  
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**CARALYCE M. LASSNER**  
**ADMINISTRATIVE LAW JUDGE**

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**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. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. 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

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks.

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**Interested Parties**

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B. Cabanaw

M. Holden

MOAHR

BSC4

**Via First Class Mail:**

**Petitioner**

[REDACTED]