



Date Mailed: March 18, 2025

Docket No.: 25-007277

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; 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 March 12, 2025. Petitioner appeared and was unrepresented. Petitioner's understanding of the hearing was facilitated by Arabic interpreter Gehad #8483. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rebecca Scott, Eligibility Specialist.

ISSUE

Did MDHHS properly deny Petitioner's Food Assistance Program (FAP) application due to excess gross income?

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 [REDACTED] 2024, Petitioner applied for FAP benefits for a group size of five, consisting of: his wife, his daughters [REDACTED] and [REDACTED], his son, and himself. Petitioner reported that he is employed at [REDACTED]. (Petitioner Employer) (Exhibit A, pp. 7-14).

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2. On December 26, 2024, Petitioner was interviewed by MDHHS as part of the application process. Petitioner reported that in addition to the household members listed on his application, his daughter, [REDACTED] ([REDACTED] years old) (Daughter) lives in his home and is employed at [REDACTED] (Daughter Employer) and is a full-time college student (Exhibit A, pp. 15-21).
 3. On January 14, 2025, MDHHS issued a Notice of Case Action to Petitioner, informing him that his FAP application was denied due to excess gross income. In making this determination, MDHHS considered a group size of six, including Daughter (Exhibit A, pp. 31-35).
 4. On February 5, 2025, MDHHS received Petitioner's timely submitted hearing request disputing the denial of his FAP application, specifically the inclusion of Daughter and her income in making this determination (Exhibit A, pp. 3-5).

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 disputes the denial of his FAP application due to excess gross income, specifically that Daughter and her income was included in the household FAP budget and determination of FAP eligibility.

MDHHS must determine who must be included in the household FAP group prior to evaluating the non-financial and financial eligibility of everyone in the group. Parents and their children under [REDACTED] years of age who live together **must** be in the same group, unless disqualified or excluded. BEM 212 (October 2024), p. 1 (Emphasis added). Persons might live with the FAP group or applicant group who are not group members. A person who is in student status and does not meet the criteria in BEM 245 is a non-group member. BEM 212, p. 9. A person enrolled in a post-secondary education program may be in student status and must meet certain criteria in order to be eligible to receive FAP benefits. BEM 230B (January 2018), p. 5; BEM 245 (April 2021), p. 2. A person is in student status if she is:

- Age 18 through 49 and
- Enrolled half-time or more in a: regular curriculum at a college or university that offers degree programs, regardless of whether a diploma is required.

25-007277

(BEM 245, p. 3-4). In order for a person in student status to be eligible to receive FAP benefits, they must meet one of the following criteria:

- Receiving Family Independence Program (FIP).
- Enrolled in an institution of higher education as a result of participation in certain qualified programs as outlined below:
 - A Job Training Partnership Act (JTPA) program.
 - A program under section 236 of the Trade Readjustment Act of 1974 us 19 USC 2341, et. seq.
 - Enrolled in a FAE&T or FAE&T plus, in a component or components that are either:
 - Part of a program of career and technical education as defined under the Perkins Strengthening Career and Technical Education Act (Perkins V) and a course of study that will lead to employment.
 - Are limited to remedial courses, basic adult education, literacy, or English as a second language.
- In an employment and training program for low-income households operated by state and local government where one or more of the components of such program is at least equivalent to an acceptable FAP employment and training program component under the Carl D Perkins Career and Technical Education Improvement Act of 2006 (leading to employment in fields such as data entry occupations, medical and health care careers, HVAC and refrigeration, hospitality, and tourism management).
- Participating in another state or local government employment and training program.
- Employed for at least an average of 20 hours per week and paid for such employment.
- Self-employed for at least an average of 20 hours per week and earning an average weekly income at least equivalent to the federal minimum wage multiplied by 20 hours.
- Participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer.
- Participating in a state or federally-funded work study program during the regular school year.

(BEM 245, p. 4-5)

In this case, Daughter is under [REDACTED] years of age and lives with her parents. Therefore, she is a mandatory group member unless otherwise excluded. Daughter attends college full-time, so she is in student status and must meet certain criteria in order to be eligible to receive FAP benefits. Daughter meets the criteria to receive benefits since she is working at least 20 hours per week and therefore is an eligible student. Since Daughter is an eligible student to receive FAP benefits, she is not excluded from Petitioner's FAP group and **must** be included in his household composition as required by policy.

Therefore, MDHHS acted in accordance with policy in determining Petitioner's group size to be six.

Since Daughter is included in Petitioner's FAP group, her earned income must also be included in the determination of FAP eligibility. All FAP groups which do not contain a Senior, Disabled, or Disabled Veteran (S/D/V) group member, such as Petitioner's, must have income below the Gross Income Limit and the Net Income Limit. BEM 550 (October 2024), p. 1. Effective October 1, 2024, the Gross Income Limit for a group size of six is \$4,546.00 and the Net Income Limit is \$3,497.00. RFT 250 (October 2024), p. 1; BEM 213 (October 2024), p. 1.

MDHHS determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. In prospecting income, MDHHS is required to use the gross income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month, discarding any pay if it is unusual and does not reflect the normal, expected pay amounts. BEM 505, pp. 5-6. A standard monthly amount must be determined for each income source used in the budget, which is determined by multiplying average biweekly pay by 2.15 and average weekly pay by 4.3. BEM 505 pp. 8-9. In this case, MDHHS used Petitioner's weekly paystubs from Petitioner Employer (see Exhibit A, pp. 22-25) and Daughter's biweekly paystubs from Daughter Employer (see Exhibit A, pp. 26-27). When converted to a standard monthly amount (Petitioner's averaged pay, multiplied by 4.3; Daughter's averaged pay, multiplied by 2.15) this results in \$[REDACTED], the amount that MDHHS listed as relied upon in the Notice of Case Action (see Exhibit A, p. 32), but not the amount listed on the budget presented (see Exhibit A, pp. 28-30). Since the amount relied upon in the budget presented is less than \$[REDACTED], this error ultimately benefits Petitioner. Since the gross income for Petitioner's household exceeds the gross income limit for a group size of six, MDHHS acted in accordance with policy in denying Petitioner's FAP application 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 denied Petitioner's FAP application.

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



DANIELLE NUCCIO
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

B. CABANAW
M. HOLDEN
BSC4

Via First Class Mail:

Petitioner

[REDACTED]