



Date Mailed: March 21, 2025

Docket No.: 25-007284

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]

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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.

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 11, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Melissa Stanley, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-32.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) and State Disability Assistance (SDA) benefits?

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 [REDACTED] 2025, Petitioner applied for cash assistance and reported he was disabled. Petitioner also reported income from Social Security Administration (SSA)

issued Retirement Survivors Disability Insurance (RSDI) benefits of \$ [REDACTED] (Exhibit A, pp. 10-15)

2. Petitioner started receiving a MSHDA housing voucher changing his shelter expense from \$ [REDACTED] to \$ [REDACTED] (Exhibit A, p. 1; HF Testimony)
3. The Department discovered that previous one-time monthly medical expenses from 2022 and 2023 totaling \$ [REDACTED] were not properly ended. (Exhibit A, pp. 1 and 29; HF Testimony)
4. On February [REDACTED] 2025, a Notice of Case Action was issued to Petitioner stating SDA was denied because income exceeds the limit for this program and the FAP monthly benefit would decrease to \$ [REDACTED] based on changes with shelter expense and/or income. (Exhibit A, pp. 19-24)
5. On February 14, 2025 and February 18, 2025, Petitioner filed hearing requests contesting the Department's determinations. (Exhibit A, pp. 1 and 3-8)

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).

SDA

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

For SDA, financial need exists if there is at least a \$10 deficit after income is budgeted. If there is no deficit, the group is ineligible for assistance. BEM 518, July 1, 2023, p. 3. For the Issuance Deficit Test, the Department compares budgetable income for the income month, using the earned income disregard if there is earned income, to the certified group's payment standard for the benefit month. The group is ineligible for the benefit month if no deficit exists or the group has a deficit less than \$10. BEM 518, July 1, 2023, p. 3.

Regarding the benefit amount, a deficit of at least \$10 is required to receive a cash benefit. If the deficit is less than \$10, no financial need exists and the group is not eligible to receive benefit. The Department will deny or close the program. BEM 518, July 1, 2023, p. 4.

The Department considers the gross benefit amount of SSA-issued RSDI as unearned income. BEM 503, January 1, 2025, p. 30.

Effective for all applications on or after October 1, 2011, the SDA monthly payment standard for an individual in an independent living arrangement is \$200.00. REFT 225, December 1, 2013, p. 1.

In this case, Petitioner applied SDA on January 30, 2025. Petitioner reported income from RSDI benefits of \$ [REDACTED] (Exhibit A, pp. 10-15). Accordingly, Petitioner had budgetable unearned income of \$ [REDACTED]. When compared to the SDA issuance standard of \$200.00, there is no deficit. (Exhibit A, pp. 16-17). Accordingly, Petitioner is not eligible for SDA benefits.

FAP

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.

The Department considers the gross benefit amount of SSA-issued RSDI as unearned income. BEM 503, January 1, 2025, p. 30.

For FAP, a shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. When shelter expenses are shared, groups are only allowed the amount they contribute. BEM 554, (January 1, 2025), p. 14. The heat/utility (h/u) standard covers all heat and utility costs including cooling, except actual utility expenses, for example, installation fees etc. FAP groups that qualify for the h/u standard do not receive any other individual utility standards. FAP groups whose heat is included in their rent may still qualify for the h/u standard. Some additional ways include but are not limited to, receipt of the Home Heating Credit (HHC) or a Low Income Home Energy Assistance Payment (LIHEAP). The amount of either payment must be greater than \$20 in the month of application or in the immediately preceding 12 months prior to the application month. BEM 554, pp. 17-18. FAP groups who pay for cooling (including room air conditioners) are eligible for the h/u standard if, they have the responsibility to pay for non-heat electric. BEM 554 p. 19. FAP groups not eligible for the h/u standard who have other utility expenses or contribute to the cost of other utility expenses are eligible for the individual utility standards. Use the individual standard for each utility the FAP group has responsibility to pay. BEM 554 p. 22. A FAP group who is responsible to pay for an internet service (at least the basic service) is eligible for the internet standard. This expense is separate from any of the utility standards. BEM 554, January 1, 2025, p. 26.

The Department can also consider verified allowable medical expenses of a senior/disabled/veteran (SDV) member of the FAP group. BEM 554, pp. 9-14. An SDV

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group that has a verified one-time or ongoing medical expense(s) of more than \$35 for an SDV person(s) will receive the SMD. The SMD is \$165. If the group has actual medical expenses which are more than the SMD, they have the option to verify their actual expenses instead of receiving the SMD. BEM 554, p. 9. Regarding one-time-only expenses, groups that do not have a 24-month benefit period may choose to budget a one-time-only medical expense for one month or average it over the balance of the benefit period. Bridges will allow the expense in the first benefit month the change can affect. Groups that have 24-month benefit periods must be given the following options for one-time-only medical expenses billed or due within the first 12 months of the benefit period: 1. budget it for one month; 2. average it over the remainder of the first 12 months of the benefit period; 3. average it over the remainder of the 24-month benefit period. BEM 554, p. 10.

In this case, the Department re-determined eligibility for FAP with the updated income as well as shelter and medical expense information. Effective January 1, 2025, Petitioner's RSDI income increased to \$██████████. Petitioner started receiving a MSHDA housing voucher changing his shelter expense from \$██████████ to \$██████████. Further, Petitioner had submitted medical bills that were considered one-time-only expenses that were included in the February 2025 FAP budget only. The Department also discovered that previous one-time monthly medical expenses from 2022 and 2023 totaling \$██████████ were not properly ended. Those medical expenses were removed from the FAP budget. A review of the FAP budget shows that the Petitioner received the full h/u standard and the internet standard. After all of the changes with income and expenses in the FAP budget, the Department determined that Petitioner is eligible for \$67.00 in ongoing FAP benefits. (Exhibit A, pp. 1 and 25-32; HF Testimony)

Petitioner explained that he is seeking empathy and compassion. Petitioner is disabled and his only income is from SSA issued RSDI benefits. Petitioner is asking for \$██████████ in cash assistance and \$██████████ in FAP benefits monthly. Petitioner also noted that he submitted documentation of additional medical expenses the day prior to the hearing. (Petitioner Testimony)

Overall, the evidence shows that the Department properly determined Petitioner's eligibility for SDA and FAP benefits. This Administrative Law Judge has no authority to change or make any exception to Department policy, which require a denial of SDA benefits when income exceeds the \$200.00 payment standard and require that the FAP budget reflect current income and expenses. As discussed, the Department will be processing the recent documentation of medical expenses to determine Petitioner's ongoing eligibility for FAP.

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 determined Petitioner's eligibility for Food Assistance Program (FAP) and State Disability Assistance (SDA) benefits.

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

Colleen Lack

**COLLEEN LACK
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.

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Via First Class Mail:

Petitioner

