



Date Mailed: March 25, 2025

Docket No.: 25-007782

Case No.: [REDACTED]

Petitioner: [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 telephone hearing was held on March 20, 2025. Petitioner appeared for the hearing and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Crystal Conlin, Family Independence Specialist and Corlette Brown, Hearing Facilitator.

ISSUE

Did the Department properly calculate the amount of Petitioner's Food Assistance Program (FAP) 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. Petitioner was an ongoing recipient of FAP benefits. On an unverified date, Petitioner's FAP case was closed. Petitioner submitted a new application for FAP benefits.

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2. Petitioner was approved for FAP benefits in the amount of \$275 for February 2025 and \$376 for March 2025, ongoing.
 3. On or around February 14, 2025, Petitioner requested a hearing disputing the Department's actions with respect to her FAP case.

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.

In this case, Petitioner requested a hearing disputing the Department's actions with respect to her FAP case. At the hearing, Petitioner clarified that at issue, is the calculation of her FAP benefits in the amount of \$376 for the month of March 2025.

The Department presented FAP EDG Net Income Results Budget which was thoroughly reviewed to determine if the Department properly calculated the Petitioner's FAP benefits in the amount of \$376. (Exhibit B)

All countable earned and unearned income available to the client must be considered in determining a client's eligibility for program benefits and group composition policies specify whose income is countable. BEM 500 (April 2022), pp. 1 – 5. An employee's wages include salaries, tips, commissions, bonuses, severance pay, and flexible benefit funds not used to purchase insurance. The Department counts gross wages in the calculation of earned income. BEM 501 (January 2024), pp. 6-7. The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Prospective income is income not yet received but expected. BEM 505 (October 2023), pp. 1-2. In prospecting income, the Department is required to use 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. BEM 505, pp. 7-8. Income received biweekly is converted to a standard amount by multiplying the average of the biweekly pay amounts by the 2.15 multiplier. BEM 505, pp. 7-9.

The budget shows earned income of [REDACTED] which the Department testified consists of Petitioner's biweekly earnings from her employment with Detroit Public Schools. Specifically, the Department testified that it relied on pay stubs submitted in connection with the application and considered gross pay of [REDACTED] received on January 21, 2025, and [REDACTED] received on February 4, 2025. Although Petitioner testified that she is currently on leave from her employment and her pay has been reduced, Petitioner confirmed that at the time the budget was completed, the income amounts relied upon were accurate and further, that Petitioner has not submitted complete updated paystubs to the Department reflecting her reduced earnings. Petitioner indicated that she submitted one updated paystub and that she has been on FMLA leave since February 25, 2025, after the date in which she requested a hearing. Upon review, the Department properly considered the paystubs identified and when converted to a standard monthly amount, Petitioner has earned income of [REDACTED] and thus, the Department properly calculated the earned income.

The deductions to income on the net income budget were also reviewed. Petitioner's FAP group is eligible for the following deductions to income:

- Dependent care expense.
- Excess shelter.
- Court ordered child support and arrearages paid to non-household members.
- Standard deduction based on group size.
- An earned income deduction equal to 20% of any earned income.

BEM 554 (October 2024), p. 1; BEM 556 (October 2024), p. 1-8.

The Department properly applied an earned income deduction of \$553, which is 20% of [REDACTED] earned income calculation. There was no evidence presented that Petitioner had any out-of-pocket dependent care or child support expenses that were submitted to the Department for consideration and therefore, the budget properly did not include any deduction for dependent care or child support. See BEM 554. The Department properly applied a standard deduction of \$217 which was based on Petitioner's confirmed group size of four. RFT 255 (October 2024), p. 1.

With respect to the calculation of the excess shelter deduction, the Department representative testified that it considered \$209 in monthly rent and the \$664 heat and utility standard, which covers all heat and utility costs including cooling expenses and is the maximum total utility and most beneficial standard available to the client. BEM 554, pp. 13-21; RFT 255, p.1. The excess shelter deduction is calculated by subtracting 50% of the adjusted gross income from the total shelter amount. The Department determined that Petitioner's total shelter amount was \$873 and 50% of her adjusted gross income of [REDACTED] was [REDACTED]. Thus, because Petitioner's total shelter amount is less than [REDACTED] Petitioner, consistent with the Department's calculation, is not eligible for an excess shelter deduction. Petitioner asserted that effective August 2024, her monthly rent increased to \$232 and that she reported this change to the Department at the time of

the increase. It is noted that even with consideration of the increased monthly rent of \$232, Petitioner's total shelter amount would be \$896, and still be less than 50% of the adjusted gross income amount of [REDACTED] and therefore, would still result in an excess shelter deduction of \$0.


After further review, the Department properly determined Petitioner's income and took into consideration the appropriate deductions to income. Based on net income of [REDACTED] Petitioner's four person FAP group is eligible for \$376 in monthly FAP benefits. RFT 260 (October 2024), p. 28.

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 calculated Petitioner's FAP benefits.

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 calculated Petitioner's FAP benefits in the amount of \$376 for March 2025.

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



ZAINAB A BAYDOUN
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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