



Date Mailed: April 11, 2025
Docket No.: 25-010284
Case No.: [REDACTED]
Petitioner: [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি উকুমেন্ট। দয়া করে কেউ দ্রষ্টাবেজ অনুবাদ করুন।

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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 April 7, 2025. Petitioner was represented by his father and Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by Jamila Goods. Petitioner's caretaker, Dorian Franklin, was also present and sworn as a witness.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount effective February 1, 2025 ongoing?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Until January 31, 2025, Petitioner was an ongoing recipient of FAP benefits in the amount of \$291 per month for a one-person FAP group.
2. On [REDACTED] 2025, the Department received a completed redetermination application for Petitioner's FAP benefits.

3. Petitioner is a single, disabled, individual who receives Retirement, Survivors, and Disability Insurance (RSDI) income of \$ [REDACTED] per month and donations of \$ [REDACTED] per month. Petitioner pays \$1,148 per month for rent and has a telephone expense.
4. On February 7, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved Petitioner for \$143 per month in FAP benefits for a one-person FAP group effective February 1, 2025 ongoing.
5. On February 26, 2025, the Department received a request for hearing from Petitioner's AHR, disputing the amount of Petitioner's monthly FAP benefit. (Exhibit A, pp. 3 – 4).
6. On March 3, 2025, the Department sent Petitioner a NOCA that approved Petitioner for \$162 in FAP benefits for a one-person FAP group effective February 1, 2025 ongoing. (Exhibit B, pp. 1 – 2).

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's AHR requested a hearing to dispute the amount of Petitioner's monthly FAP benefit. The Department initially approved Petitioner for FAP benefits of \$143 per month for a one-person FAP group effective February 1, 2025 ongoing. Prior to the hearing, the Department approved Petitioner for FAP benefits of \$162 per month for a one-person FAP group effective February 1, 2025 ongoing.

To determine whether the Department properly calculated Petitioner's FAP benefit amount, the Department begins with the client's countable earned and unearned income. BEM 500 (April 2022), pp. 1 – 5. Donations, from sources other than those specifically excluded by policy, and the gross amount of RSDI income is unearned income. BEM 503 (January 2025), pp. 11, 30 – 32. In this case, the Department and Petitioner agreed that Petitioner's total monthly income was from donations and RSDI in the amount of \$ [REDACTED].

After countable income is calculated, the Department must determine which deductions are available to Petitioner. Because Petitioner is disabled, he is considered a senior/disabled/veteran (SDV) household. BEM 550 (October 2024), pp. 1 – 2. Households with SDV members with unearned income may be eligible for the following deductions only:

- Standard deduction based on group size.
- Dependent care expense.
- Medical expense deduction for medical expenses of the SDV member in excess of \$35.
- Court ordered child support and arrearages paid to non-household members.
- Excess shelter deduction.

BEM 554 (January 2025) p. 1; BEM 556 (October 2024) pp. 4 – 6.

Although the Department did not introduce a budget to show how it determined Petitioner's FAP benefit amount, it testified regarding the amounts included on the budget summary of the March 3, 2025 NOCA. (Exhibit B, p. 2). The Department testified that Petitioner received a \$204 standard deduction from his countable income based on his one-person FAP group size. RFT 255 (October 2024). The Department testified, and Petitioner confirmed, that he did not report any medical expenses and that Petitioner did not have any dependent care or court ordered child support expenses. Therefore, the Department properly deducted only the \$204 standard deduction from Petitioner's total monthly income.

Next, the Department determines any excess shelter expense deduction. To start, the Department first calculates Petitioner's adjusted gross income (AGI) by subtracting the allowable deductions outlined above from the countable income. Based on Petitioner's gross income of \$ [REDACTED], and Petitioner's standard deduction of \$204, Petitioner's AGI was \$ [REDACTED].

To complete the excess shelter deduction calculation, the Department reviewed Petitioner's housing and utility expenses. There was no dispute that Petitioner had a housing expense of \$1,148 per month, was responsible for payment of a telephone expense, and had no heat or internet expense. When a FAP group has a telephone expense, separate from their housing payment, it is entitled to a telephone standard amount to be included in the calculation of the excess shelter deduction, which is the highest amount available to FAP groups who pay for telephone services. BEM 554, p. 24. The telephone standard amount is \$30 (RFT 255) and the Department properly budgeted Petitioner's housing expense and used the telephone standard amount when calculating Petitioner's excess shelter expense.

Once Petitioner's housing and allowable utility expenses have been determined, the Department must add those amounts together for a total shelter amount and then subtract 50% of Petitioner's AGI from the total shelter amount. BEM 556, pp. 5 – 6.

This determines Petitioner's excess shelter deduction. The total of Petitioner's monthly housing of \$1,148 and the telephone standard of \$30 was \$1,178. When 50% of Petitioner's \$ [REDACTED] AGI, in the amount of \$ [REDACTED], was subtracted from the total shelter amount of \$1,178, Petitioner's excess shelter deduction was \$642. When Petitioner's excess shelter deduction of \$642 is subtracted from his AGI of \$ [REDACTED], Petitioner's net income is \$ [REDACTED].

Once the net monthly income has been determined under the FAP program, the Department determines what benefit amount Petitioner is entitled to, based on the group size, according to the Food Assistance Issuance Table found in RFT 260. Based on Petitioner's one-person FAP group size and net income of \$ [REDACTED], the Department properly determined Petitioner's monthly benefit amount of \$162 for February 2025 ongoing. RFT 260 (October 2024), p. 7.

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 monthly FAP benefit amount effective February 1, 2025 ongoing.

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



CARALYCE M. LASSNER
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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