

**Date Mailed:** May 9, 2025

**Docket No.:** 25-013676

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [REDACTED]

### **HEARING DECISION**

On April 4, 2025, Petitioner [REDACTED] [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on May 6, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented himself. Respondent Michigan Department of Health and Human Services (Department) had Assistance Payments Supervisor Amanda Boobyer appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 37-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

### **ISSUE**

Did the Department properly determine Petitioner's FAP benefit amount?

### **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 is a FAP benefit recipient.
2. Petitioner has a group size of one.
3. Petitioner pays \$[REDACTED] per month for rent, which includes all of his utilities.
4. On January [REDACTED] 2025, Petitioner submitted a semi-annual contact form to the Department to renew his eligibility for FAP benefits, and Petitioner reported a change of his income in the form. Petitioner did not provide proof of his income with the form.

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5. The Department reviewed Petitioner's semi-annual contact form, and the Department determined that it could not renew Petitioner's eligibility for FAP benefits because Petitioner did not provide proof of his income with the form.
  6. On February [REDACTED] 2025, the Department mailed a notice of FAP closure to Petitioner to notify him that his FAP benefits were going to close, effective February 28, 2025.
  7. On March [REDACTED] 2025, Petitioner reapplied for FAP benefits after the Department closed his FAP benefits.
  8. On March [REDACTED] 2025, the Department interviewed Petitioner to process his application for FAP benefits. During the interview, Petitioner reported that he was employed by [REDACTED], he worked 15-20 hours per week, [REDACTED] paid him \$[REDACTED] per hour, and [REDACTED] paid him weekly.
  9. Petitioner provided the Department with the following four paycheck stubs:
    - a. February 21, 2025, paycheck for gross pay of \$[REDACTED] for 21.57 hours at \$[REDACTED] per hour.
    - b. February 28, 2025, paycheck for gross pay of \$[REDACTED] for 21.63 hours at \$[REDACTED] per hour.
    - c. March 7, 2025, paycheck for gross pay of \$[REDACTED] for 30.23 hours at \$[REDACTED] per hour.
    - d. March 14, 2025, paycheck for gross pay of \$[REDACTED] for 12.18 hours at \$[REDACTED] per hour.
  10. The Department ran a LIHEAP report to verify whether Petitioner was eligible for the heat/utility standard, and the Department determined that Petitioner was not eligible for the heat/utility standard because Petitioner did not receive a LIHEAP payment of at least \$20.01 in the past 12 months, Petitioner did not receive energy-related state emergency relief (SER) in the past 12 months, and Petitioner did not receive Michigan Energy Assistance Program (MEAP) funds in the past 12 months.
  11. The Department determined Petitioner's FAP eligibility, and the Department determined that Petitioner was eligible for a \$13.00 FAP benefit for March 27, 2025, through March 31, 2025, and a \$63.00 FAP benefit for each month thereafter. The Department determined Petitioner's FAP benefit amount based on the following:
    - a. Group size of one.
    - b. \$[REDACTED] per month for earned income.
    - c. \$[REDACTED] per month for housing costs.

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- d. \$204.00 per month for a standard deduction.
12. On March 28, 2025, the Department mailed a notice of case action to Petitioner to notify him that he was approved for a \$[REDACTED] FAP benefit for March 27, 2025, through March 31, 2025, and a \$[REDACTED] FAP benefit for each month thereafter.
13. Petitioner requested a hearing to dispute his FAP benefit amount.

### **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) 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 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, the Department determined that Petitioner was eligible for a \$[REDACTED] FAP benefit for March 27, 2025, through March 31, 2025, and a \$[REDACTED] FAP benefit for each month thereafter. Petitioner is disputing his FAP benefit amount. Thus, the issue is whether the Department properly determined Petitioner's FAP benefit amount.

When a client receives earned income, the Department must convert the client's earned income to a standard monthly amount. The Department starts by determining the client's gross earned income based on the client's income from the past 30 days (if it appears to accurately reflect what is expected to be received in the benefit month). BEM 505 (June 1, 2025), p. 6. The Department must discard all pay from the past 30 days that does not reflect the normal expected pay amounts. *Id.* In this case, Petitioner reported that he was working an average of 15-20 hours per week, so the Department properly discarded his paystubs that were for 30.23 hours and 12.18 hours. That left two paystubs with gross weekly pay amounts of \$[REDACTED] and \$[REDACTED]. Weekly income is converted to a standard monthly amount by multiplying it by 4.3. *Id.* at 8-9. The Department properly averaged Petitioner's weekly paystubs and then multiplied the average by 4.3 to calculate Petitioner's standard monthly earned income. This resulted in a standard monthly earned income amount of \$1,207.44. The Department properly determined Petitioner's earned income amount when it determined that Petitioner's earned income was \$1,207.00 per month.

The 200% gross income limit for categorically eligible groups applied to Petitioner. BEM 213 (October 1, 2024), p. 1. The 200% gross income limit was \$2,510.00 per month for a household size of one. RFT 250 (October 1, 2024). Gross household income is the total of all earned and unearned income that a household receives. 7 CFR

273.10(e)(1)(i)(A) and 7 CFR 273.10(e)(2)(B). Petitioner's gross household income did not exceed the applicable income limit to be eligible for FAP benefits.

The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income and then looking that information up in its applicable Food Issuance Table. BEM 212 (October 1, 2024), BEM 213 (October 1, 2024), BEM 550 (October 1, 2024), BEM 554 (October 1, 2024), BEM 556 (October 1, 2024), RFT 255 (October 1, 2024), and RFT 260 (October 1, 2024). Petitioner's group size was one, and Petitioner's net income was \$[REDACTED] per month.

Net income is gross income minus allowable deductions. 7 CFR 273.10(e)(1)(i). In this case, Petitioner's allowable deductions consisted of a 20% earned income deduction and a standard deduction. Petitioner was eligible for a \$242.00 earned income deduction based on 20% of his gross earned income. 7 CFR 273.9(d)(2). Petitioner was also eligible for a \$204.00 standard deduction for a group size of one. 7 CFR 273.9(d)(1) and RFT 255. Thus, Petitioner was eligible for deductions totaling \$[REDACTED] per month. Petitioner's gross income of \$[REDACTED] minus his deductions of \$446.00 equals his net income of \$[REDACTED].

Based on Petitioner's group size of one and his net income of \$[REDACTED] the maximum FAP benefit that Petitioner was eligible for was \$[REDACTED] per month. RFT 260. Thus, the Department properly determined that the maximum FAP benefit that Petitioner was eligible for was [REDACTED] per month. FAP benefits for the month of application are prorated beginning with the application date. BAM 115 (October 1, 2024), p. 26. Thus, the Department properly determined that Petitioner was eligible for a prorated FAP benefit for the month of Petitioner's application.

### **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 its policies and the applicable law when it determined Petitioner's FAP benefit amount.

**IT IS ORDERED** that the Department's decision is **AFFIRMED**.



**JEFFREY KEMM**  
**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

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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](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. 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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**HOLDENM**

**BSC3HEARINGDECISIONS**

**MOAHR**

**Via First Class Mail:**

**Petitioner**

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