

Date Mailed: May 13, 2025

Docket No.: 25-013678

Case No.: [REDACTED]

Petitioner: [REDACTED]
[REDACTED]

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 May 6, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Becky Fraser, Hearing Facilitator. Department Exhibit 1, pp. 1-19 was received and admitted.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (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. On March [REDACTED] 2025, a Notice of Case Action was sent to Petitioner informing her that her FAP benefit was being reduced to \$[REDACTED] effective May 1, 2025.
2. On April [REDACTED], 2025, Petitioner requested hearing disputing the reduction of FAP benefits.
3. Petitioner receives \$[REDACTED] in unemployment income per month.

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).

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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.

Food Assistance Program (FAP) Only

Bridges uses certain expenses to determine net income for FAP eligibility and benefit levels. • For groups with no senior/disabled/disabled veteran (SDV) member, Bridges uses the following: Dependent care expense. Excess shelter up to the maximum in Reference Tables Manual (RFT) 255. Court ordered child support and arrearages paid to non-household members. BEM 554 (January 2025)

This item applies only to the Food Assistance Program (FAP). A non-categorically eligible Senior/Disabled/Veteran (SDV) FAP group must have income below the net income limits. A non-categorically eligible, non-SDV FAP group must have income below the gross and net income limits. Use only available, countable income to determine eligibility. The Bridges Eligibility Manual (BEM) 500 series defines countable income. BEM 505, Prospective Budgeting/Income Change Processing, defines available income and income change processing. This item describes income budgeting policy. Always calculate income on a calendar month basis to determine eligibility and benefit amounts. Use income from a month specified in this item for the benefit month being considered. Budget the entire amount of earned and unearned countable income. Gross countable earned income is reduced by a 20 percent earned income deduction. Every case is allowed the standard deduction; see Reference Tables Manual (RFT) 255. Document income budgeting on either a manually-calculated or an automated FAP worksheet. BEM 550 (April 2025)

In this case, Petitioner receives \$[REDACTED] in unearned income in the form of unemployment compensation. With regard to FAP budgeting, after subtracting the \$204 standard deduction, Petitioner has \$[REDACTED] in net income. A household of 1 with \$[REDACTED] in net income is entitled to \$[REDACTED] in FAP benefit, this was the amount determined by the Department and it was proper and correct and consistent with Department policy. BEM 550

At hearing, Petitioner questioned why her car payment and car insurance were not included as deductions. Department policy does not allow for transportation related expenses as deductions. BEM 554 Petitioner also testified that her unemployment compensation would be ending soon. It was explained that if Petitioner's unemployment ends, she should report that to the Department and her FAP benefits would be re-budgeted once it was confirmed that her unemployment compensation ended.

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 FAP benefit amount

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



AARON MCCLINTIC
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:

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HOLDENM

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MOAHR

Via First Class Mail:

