



Date Mailed: May 15, 2025
Docket No.: 25-014142
Case No.: [REDACTED]
Petitioner: [REDACTED]



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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Docket No.: 25-014142

Case No.: [REDACTED]

Petitioner: [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 videoconference on May 8, 2025. Petitioner appeared for the hearing and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Layana Jefferson, Hearing Facilitator.

ISSUE

Did the Department properly calculate the amount of Petitioner's Food Assistance Program (FAP) benefits?

Did the Department properly determine that Petitioner is ineligible for cash assistance benefits under the State Disability Assistance (SDA) and Family Independence Program (FIP)?

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 an ongoing recipient of FAP benefits.
2. On or around December 7, 2024, the Department sent Petitioner a Notice of Case Action advising her that effective January 1, 2025, she was approved for FAP benefits of \$253. (Exhibit A, pp.17-22)
3. Petitioner is employed and receives unearned income from Social Security. Petitioner's household size is one.
4. On or around April 14, 2025, Petitioner requested a hearing disputing the amount of her FAP benefits. On or around April 17, 2025, Petitioner submitted a second hearing request disputing the Department's actions regarding the FAP, SDA, and FIP benefits. (Exhibit A, pp. 3-7)

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5. At the hearing, Petitioner verbally withdrew her hearing request concerning the FIP and SDA programs. Petitioner testified that she understands that she does not meet the criteria to receive SDA or FIP benefits and confirmed that no promises were made in exchange for her withdrawal. Thus, the hearing request regarding FIP and SDA will be DISMISSED.
-

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 disputed the calculation of her FAP benefits. It was established that on or around December 7, 2024, Petitioner was notified that effective January 1, 2025, her FAP benefits would be decreased to \$253. Pursuant to BAM 600, Petitioner was required to file a request for hearing within 90 days to dispute the decrease in her FAP benefits to \$253 effective January 1, 2025. Thus, this Hearing Decision will not address Petitioner's FAP benefits effective January 1, 2025, as the hearing request was not timely filed. However, based on Petitioner's April 14, 2025, request for hearing date, and pursuant to BAM 600, the current amount of her FAP benefits for April 2025 was addressed at the hearing. See BAM 600 (June 2024), pp. 3-7.

The Department presented FAP EDG Net Income Results Budget for the April 2025 benefit period which was thoroughly reviewed to determine if the Department properly calculated the Petitioner's FAP benefits in the amount of \$253. (Exhibit A, pp. 14-16).

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

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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. The Department testified that it was still budgeting the same income as previously verified by Petitioner. Specifically, the Department considered a paystub from August 23, 2024, in the amount of [REDACTED]. The Department representative testified that because Petitioner was paid biweekly, it converted the paystub to a standard monthly amount using the 2.15 multiplier. Although it was established that Petitioner's income has since increased and that her actual earnings for the month of March 2025 were higher than that which was considered by the Department, based on the information available to the Department at the time the initial budget was completed, when converted to a standard monthly amount, Petitioner's biweekly pay of [REDACTED] results in earned income of [REDACTED]. Thus, the earned income on the budget was properly determined.

The Department considers the gross amount of money earned from RSDI/Social Security benefits in the calculation of unearned income for purposes of FAP budgeting. BEM 503 (April 2024), p. 29-35. The budget reflects unearned income of [REDACTED] which consisted of Petitioner's monthly RSDI/Social Security. Although the Department testified that Petitioner's current RSDI/Social Security as verified by the SOLQ shows a gross amount of [REDACTED], Petitioner testified that about \$100 monthly was previously being deducted from her gross RSDI/Social Security due to an overpayment. It was unclear when the repayment ended; however, the slight error is to the benefit of the client. Based on the information available to the Department at the time the budget was completed, the Department properly calculated Petitioner's unearned income.

The deductions to income on the net income budget were also reviewed. Petitioner's FAP group includes a senior/disabled/veteran (SDV) member. BEM 550 (October 2024), pp. 1-2. 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.
- Medical expenses for the SDV member(s) that exceed \$35.
- 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 budget properly reflects an earned income deduction of \$56, based on 20% of Petitioner's [REDACTED] in earned income. There was no evidence presented that Petitioner had any out-of-pocket dependent care or child support expenses and therefore, the budget properly did not include any deduction for dependent care or child support. The budget also reflects a medical deduction of \$0. While Petitioner asserted that she is enrolled in Medicare and pays \$76 per month in Medicare premiums, the SOLQ did not reflect any premium paid by Petitioner. There was no evidence that any medical expenses or verification of Medicare premiums were submitted to the Department for consideration. Upon review, the Department properly determined that Petitioner was ineligible for a medical deduction. Petitioner was advised that the Department would process any expenses submitted and apply them to the medical deduction if applicable. The Department properly applied a standard deduction of \$204 which was based on Petitioner's confirmed group size of one. RFT 255 (October 2024), p. 1.

With respect to the calculation of the excess shelter deduction, the Department representative testified that it considered \$833 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. Although Petitioner asserted that her monthly rent has increased to \$868 effective May 1, 2025, the increase does not apply to the April 2025 budget at issue. 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 \$1,497 and 50% of her adjusted gross income of [REDACTED] was [REDACTED]. Thus, the Department properly determined that Petitioner was eligible for an excess shelter deduction of \$955.

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 one person FAP group is eligible for \$253 in monthly FAP benefits for the month of April 2025. RFT 260 (October 2024).

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 the amount of Petitioner's FAP benefits.

Accordingly, the hearing request with respect to FIP and SDA is **DISMISSED**. Department's FAP decision is **AFFIRMED**.

Zaunab Raydon

ZAINAB A BAYDOUN
ADMINISTRATIVE LAW JUDGE

25-014142

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

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Via Electronic Mail:

Respondent

WAYNE-TAYLOR-DHHS
25637 ECORSE RD
TAYLOR, MI 48180

MDHHS-WAYNE-18-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC4
B CABANAW
M HOLDEN
MOAHR

Via First Class Mail:

Petitioner





WAYNE-TAYLOR-DHHS
25637 ECORSE RD
[REDACTED]

Date Mailed: May 15, 2025
Docket No.: 25-014142
Case No.: 103265367
Petitioner: [REDACTED]

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Docket No.: 25-014142

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Petitioner: [REDACTED]

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2. On or around December 7, 2024, the Department sent Petitioner a Notice of Case Action advising her that effective January 1, 2025, she was approved for FAP benefits of \$253. (Exhibit A, pp.17-22)
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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 the amount of Petitioner's FAP benefits.

Accordingly, the hearing request with respect to FIP and SDA is **DISMISSED**. Department's FAP decision is **AFFIRMED**.

Zaunab Raydon

ZAINAB A BAYDOUN
ADMINISTRATIVE LAW JUDGE

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TAYLOR, MI 48180

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Interested Parties

BSC4
B CABANAW
M HOLDEN
MOAHR

Via First Class Mail:

Petitioner

