



Date Mailed: June 27, 2025
Docket No.: 25-019397
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.

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Docket No.: 25-019397

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 telephone conference on June 18, 2025. Petitioner appeared and was represented by his Authorized Hearing Representative (AHR) [REDACTED]. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Jamila Goods, Eligibility Specialist.

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 is an ongoing recipient of FAP benefits. Petitioner was previously approved for FAP benefits in the amount of \$292 monthly.
2. In connection with a Semi-Annual, Petitioner's eligibility to receive FAP benefits was reviewed.
3. Prior to the Semi-Annual, the Department was budgeting [REDACTED] in income and shelter expenses in the FAP eligibility determination.
4. In processing the Semi-Annual, the Department became aware that Petitioner was receiving both RSDI/Social Security benefits and Supplemental Security Income (SSI) benefits.
5. On or around May 8, 2025, the Department sent Petitioner a Notice of Case Action advising him that effective June 1, 2025, his FAP benefits were being decreased to \$23 monthly.

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6. On or around May 16, 2025, Petitioner requested a hearing disputing the Department's actions with respect to the reduction in his FAP benefits. (Exhibit A, pp. 3-6)
 7. After receiving Petitioner's request for hearing, the Department processed a reported change in housing expenses and recalculated Petitioner's FAP benefits for June 2025. The Department determined that Petitioner was eligible for FAP benefits in the amount of \$91 for June 2025. (Exhibit A, pp. 8-9)
 8. Petitioner's FAP benefits were increased to \$282 effective July 1, 2025, as the Department received information that his unearned income amount had decreased. Petitioner was notified of the change through the issuance of a Notice of Case Action dated May 24, 2025. (Exhibit A, pp. 10-14)

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 his FAP case, specifically, the decrease in the amount of his FAP benefits effective June 1, 2025. At the hearing, the Department representative testified that Petitioner's FAP eligibility was due for review and that after processing the Semi-Annual, Petitioner was initially approved for FAP benefits in the amount of \$23 effective June 1, 2025, ongoing. However, the Department recalculated Petitioner's FAP budget after the request for hearing was submitted and determined that for June 1, 2025, Petitioner was eligible for \$91. The Department presented a 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 \$91. (Exhibit A, pp. 7-9)

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. The Department considers the gross amount of money earned from RSDI/Social Security and SSI benefits in the calculation of unearned income for purposes of FAP budgeting. BEM 503 (April 2024), p. 29-35. For an individual who lives in an independent living situation, State SSI

Payments (SSP) are issued quarterly in the amount of [REDACTED] and the payments are issued in the final month of each quarter; see BEM 660. The Department will count the monthly SSP benefit amount [REDACTED] as unearned income. BEM 503, pp. 36-37; BEM 660 (October 2024), pp. 1-2; RFT 248 (January 2024), p. 1.

The budget reflects unearned income of [REDACTED] which consisted of Petitioner's monthly RSDI/Social Security, SSI, and SSP benefits. Specifically, the Department testified that it considered [REDACTED] in RSDI/Social Security, [REDACTED] in SSI, and the [REDACTED] SSP benefit. Petitioner's AHR confirmed that the amounts relied upon by the Department were correct but testified that due to an issue with Petitioner's conservatorship, he has been unable to cash any of the paper checks received. Petitioner's AHR confirmed that the payments were issued to Petitioner, notwithstanding the inability to cash the checks. 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.

Petitioner's group did not have any earned income, thus, there was no applicable earned income deduction. 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. The Department asserted that no medical expenses were submitted for consideration. Upon review, the Department properly determined that Petitioner was ineligible for a medical deduction. Petitioner's AHR was advised that should Petitioner submit medical expenses, the Department would process the expenses 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 \$500 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. Petitioner's AHR asserted that Petitioner recently submitted

verification of a telephone expense. Because the expense was not submitted at the time of the Semi-Annual or at the time of the hearing request, the Department is to process the expense and determine whether it is allowable on Petitioner's FAP budget. 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 \$1,164 and 50% of his adjusted gross income of [REDACTED] was [REDACTED]. Thus, the Department properly determined that Petitioner was eligible for an excess shelter deduction of \$553.

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 \$91 in monthly FAP benefits for the month of June 2025. RFT 260 (October 2024), p.10.

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 for June 2025.

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



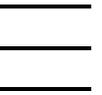
ZAINAB A BAYDOUN
ADMINISTRATIVE LAW JUDGE

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.



Via Electronic Mail:

Respondent

WAYNE-INKSTER-DHHS
26355 MICHIGAN AVE
INKSTER, MI 48141

MDHHS-WAYNE-19-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC4
B Cabanaw
M Holden
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Rep

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]