



Date Mailed: June 26, 2025

Docket No.: 25-019603

Case No.: [REDACTED]

Petitioner: [REDACTED]

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

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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.

Date Mailed: June 26, 2025

Docket No.: 25-019603

Case No.: [REDACTED]

Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held via Microsoft Teams on June 23, 2025; Petitioner did not participate.

[REDACTED], Petitioner's spouse, testified on behalf of Petitioner. [REDACTED], Petitioner's daughter, testified on behalf of Petitioner and participated as an Arabic-English translator. The Michigan Department of Health and Human Services (MDHHS) was represented by Lori Turner, specialist.

ISSUE

The issue is whether MDHHS properly determined Petitioner's Food Assistance Program (FAP) eligibility.

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, Petitioner submitted redetermination documents reporting a household including Petitioner, her spouse, and three children: [REDACTED] (Child1), [REDACTED] (Child2), and [REDACTED]. None of the household members were aged over 60 years, certified as disabled, or disabled veterans.
1. In April 2025, Petitioner received biweekly wages of \$[REDACTED] and \$[REDACTED].
2. As of April 2025, Child1 and Child2 were full-time college students aged 18-49 years, in student status, and had no exceptions to student status.
3. As of April 2025, Petitioner's household had no child support or dependent care expenses.

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4. As of April 2025, Petitioner had obligations of \$[REDACTED] for annual housing expenses and heating and/or cooling expenses.
 5. On April [REDACTED] 2025, MDHHS approved Petitioner for \$[REDACTED] in FAP benefits beginning May 2025.
 6. On May 14, 2025, Petitioner requested a hearing to dispute FAP eligibility.
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CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a determination of FAP benefits¹. Exhibit A, pp. 3-5. Petitioner submitted FAP redetermination documents to MDHHS on March 10, 2025. Exhibit A, pp. 11-13. A Notice of Case Action dated April [REDACTED] 2025, approved Petitioner for \$[REDACTED] in FAP benefits beginning May 2025. Exhibit A, pp. 26-30.

FAP benefit amounts are determined by a client's net income. BEM 556 outlines the factors and calculations required to determine a client's net income. FAP net income is based on group size, countable monthly income, and relevant monthly expenses. MDHHS presented FAP budget documents listing FAP eligibility factors and calculations. Exhibit A, pp. 21-22. A budget summary from the approval notice also listed FAP budget factors. Exhibit A, p. 27. During the hearing, all relevant budget factors were discussed with Petitioner.

MDHHS factored a benefit group including only Petitioner, her spouse, and one of three children. Petitioner's household included two other children which were excluded by MDHHS due to student status.

A person in student status must meet certain criteria to be eligible for FAP benefits. A person is in student status if he/she is:

- Age 18 through 49; and
- Enrolled half-time or more in either a:

¹ MDHHS completed a hearing request on May 12, 2025, documenting that Petitioner's spouse questioned the amount of FAP benefits issued by MDHHS. Exhibit A, pp. 6-8. The documentation suggested that Petitioner may have verbally requested a hearing disputing FAP eligibility before submitting a written request.

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- Vocational, trade, business, or technical school that normally requires a high school diploma or an equivalency certificate.
 - Regular curriculum at a college or university that offers degree programs regardless of whether a diploma is required. BEM 245 (July 2023) pp. 3-4.
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It was not disputed that Child1 and Child2 were 18-49 years old and full-time college students. The evidence established that MDHHS properly determined Child1 and Child2 to be in student status.

For a person in student status to be eligible for FAP benefits, he or she must meet one of the following criteria:

- Receiving FIP benefits
- Enrolled in an institution of higher education as a result of participation in:
 - A JTPA program.
 - A program under section 236 of the Trade Readjustment Act of 1974 (U. S. C. 2296).
 - Another State or local government employment and training program.
- Physically or mentally unfit for employment.
- Employed for at least 20 hours per week and paid for such employment.
- Self-employed for at least 20 hours per week and earning weekly income at least equivalent to the federal minimum wage multiplied by 20 hours.
- Participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer.
- Participating in a state or federally-funded work study program (funded in full or in part under Title IV-C of the Higher Education Act of 1965, as amended) during the regular school year (i.e. work study).
- Providing more than half of the physical care of a group member under the age of six.
- Providing more than half of the physical care of a group member age six through eleven and the local office has determined adequate child care is not available to:
 - Enable the person to attend class and work at least 20 hours per week.
 - Participate in a state or federally-financed work study program during the regular school year.
- A single parent enrolled full-time in an institution of higher education who cares for a dependent under age 12. This includes a person who does not live with his or her spouse, who has parental control over a child who does not live with his or her natural, adoptive or stepparent.

BEM 245 (July 2023) pp. 3-5.

There was no evidence that Child1 or Child2 qualified for any exceptions to student status. Given the evidence, MDHHS properly excluded Child1 and Child2 as group members; thus, Petitioner's proper group size was three persons.²

It was not disputed that Petitioner received biweekly wages. Wage documents dated April 4 and April 18, 2025, listed respective gross wages for Petitioner of \$[REDACTED] and \$[REDACTED]. Exhibit A, pp. 24-25. For FAP benefits, MDHHS generally counts gross wages.³ BEM 501 (January 2024) p. 7. For FAP, MDHHS converts stable or fluctuating biweekly income to a monthly amount by multiplying the average income by 2.15. BEM 505 (October 2023) p. 8. Multiplying Petitioner's average biweekly wages by 2.15 results in a total gross monthly income of \$[REDACTED] the same amount calculated by MDHHS. MDHHS issues a 20% credit for timely reported employment income. Multiplying the income by .8 results in countable wages of \$2,300 (dropping cents).

MDHHS uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554 (January 2025) p. 1. For groups without a senior (over 60 years old), disabled or disabled veteran (SDV) member, MDHHS considers the following expenses: shelter expenses (housing and utilities) up to a capped amount, dependent care costs, and court-ordered child support and arrearages paid to non-household members (see *Id.*). An SDV group that has a verified one-time or ongoing medical expense(s) of more than \$35 for an SDV person(s) will receive the standard medical deduction (SMD) of \$165. *Id.*, p. 9. If the group has actual medical expenses which are more than the SMD, the group has the option to verify their actual expenses instead of receiving the SMD. *Id.*

Petitioner's spouse did not allege having household child support or dependent care expenses. Medical expenses were not countable because there were no SDV individuals in the household.⁴ Petitioner's group's countable non-shelter expenses were \$0.⁵

Petitioner's FAP benefit group size justifies a standard deduction of \$204 (see RFT 255). The standard deduction is given to all FAP benefit groups, though the amount varies based on the benefit group size. The standard deduction and countable non-shelter expenses are subtracted from the countable monthly income to calculate the group's adjusted gross income. Subtracting the standard deduction (\$204) and

² See BEM 212 for policies on determining group size for FAP benefits.

³ Exceptions to using gross wages include the following: earned income tax credits, flexible benefits, striker earnings, student disregards, and census worker earnings. BEM 501 (July 2017), p. 7. None of these exceptions apply to the present case.

⁴ Petitioner's spouse testified he has not worked since 2006 due to disability. Petitioner's spouse is not disabled for purposes of FAP benefits because he has not been certified as disabled by any agency.

⁵ Petitioner's spouse credibly testified the household paid monthly car insurance exceeding \$480. The testimony was not relevant because auto insurance is not a countable expense in determining FAP eligibility.

countable non-shelter expenses (\$0) from the group's countable income (\$2,300) results in an adjusted gross income of \$[REDACTED]

MDHHS credited Petitioner with monthly housing expenses of \$[REDACTED] an average of \$[REDACTED] per month; Petitioner's spouse did not allege additional housing expenses. MDHHS credited Petitioner with the standard heating/utility (h/u) credit of \$664. RFT 255 (October 2024) p. 1. Generally, the h/u credit covers all utility expenses, except internet, and is the maximum credit available.⁶ MDHHS additionally credited Petitioner \$[REDACTED] for an internet obligation. Petitioner's total shelter credits (housing + utilities) were \$[REDACTED] (rounding up to nearest dollar).

MDHHS only credits FAP benefit groups with an "excess shelter" expense. The expense is calculated by subtracting half of the benefit group's adjusted gross income from the total shelter obligation. Petitioner's excess shelter expense is \$0.

The FAP benefit group's net income is determined by subtracting the excess shelter expense from the group's adjusted gross income; doing so results in \$[REDACTED] in net income for Petitioner's group. A chart is used to determine the proper FAP benefit issuance.⁷ RFT 260 (October 2024) pp. 1-5. Based on Petitioner's group size and net income, Petitioner's proper FAP issuance for May 2025 is \$[REDACTED] the same amount calculated by MDHHS.

⁶ MDHHS allows additional credits for "actual utility expenses". Such expenses are only allowed for utility installation charges, water well installation and maintenance, and septic installation and maintenance. BEM 554 (October 2019) p. 15. There was no evidence of applicable exceptions.

⁷ FAP eligibility can also be calculated by multiplying the net income by 30% and subtracting the amount from the maximum FAP issuance for the group.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly determined Petitioner to be eligible for \$[REDACTED] in FAP benefits beginning May 2025. The actions taken by MDHHS are **AFFIRMED**.



**CHRISTIAN GARDOCKI
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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Via Electronic Mail:

Respondent

WAYNE-GREENFIELD/JOY-DHHS
8655 GREENFIELD RD
DETROIT, MI 48228
**MDHHS-WAYNE-17-
HEARINGS@MICHIGAN.GOV**

Via First Class Mail:

Authorized Hearing Rep

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]