



Date Mailed: July 14, 2025

Docket No.: 25-022900

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

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

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Docket No.: 25-022900

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; 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 hearing was held by telephone on July 9, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Rebecca Scott, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's monthly Food Assistance Program (FAP) benefit?

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 over [REDACTED] years old and an ongoing recipient of FAP benefits for a three-person FAP group that includes herself, her adult daughter (Daughter), and her granddaughter (Granddaughter). (Exhibit A, pp. 11 – 13).
1. Petitioner has total household income of \$[REDACTED], which is comprised of:
 - a. Petitioner's Retirement, Survivors, and Disability Insurance (RSDI) income in the total amount of \$[REDACTED],
 - b. Daughter's RSDI income in the amount of \$[REDACTED],
 - c. Daughter's Supplemental Security Income (SSI) in the amount of \$[REDACTED], and
 - d. Daughter's State Supplement Payment (SSP) income in the amount of \$[REDACTED] per month.
2. On March 17, 2025, the Department received a completed redetermination application for FAP benefits from Petitioner. Petitioner did not report any medical

expenses, an internet expense, or any changes in her housing expenses. (Exhibit A, pp. 11 – 13).

3. On April 8, 2025, the Department sent Petitioner a Verification Checklist (VCL) that requested verification of Petitioner’s Social Security income by April 18, 2025. (Exhibit A, pp. 14 – 15).
4. On April 25, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that closed Petitioner’s FAP benefit case effective May 1, 2025, for failure to verify her Social Security income. (Exhibit A, pp. 16 – 17).
5. On May 30, 2025, the Department received a request for hearing from Petitioner, disputing closure of her FAP benefit case and closure of Granddaughter’s Medicaid (MA) case. (Exhibit A, pp. 3 – 8).
6. On June 16, 2025, the Department sent Petitioner a NOCA that approved Petitioner for FAP benefits of \$105 per month for a three-person FAP group effective June 1, 2025 ongoing. (Exhibit A, pp. 105 – 24).
7. On June 16, 2025, the Department issued Petitioner supplemental FAP benefits of \$105 for May 2025.
8. On June 16, 2025, the Department sent Petitioner a Health Care Coverage Determination (HCCDN) that approved Granddaughter for full coverage MA effective June 1, 2025 ongoing. (Exhibit A, p. 28).

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).

Petitioner requested a hearing to dispute closure of her FAP case and Granddaughter’s MA. At the time of the hearing, Petitioner advised that her dispute as to her FAP case was related to the amount of her monthly benefit. Prior to the hearing, the Department approved Petitioner for \$105 in monthly FAP benefits for a three-person FAP group. The Department was prepared to discuss its determination of Petitioner monthly FAP benefit and had no objection to proceeding on that issue.

Additionally, the Department also approved Granddaughter for full coverage MA and Petitioner testified that her concern with regard to Granddaughter’s MA coverage was resolved. Petitioner requested to withdraw her request for hearing as to MA and the Department had no objection.

Therefore, Petitioner's request for hearing as to MA was dismissed and the hearing continued to address Petitioner's dispute as to her monthly FAP benefit amount only.

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.

Petitioner disputed the amount of her monthly FAP benefit. Prior to the hearing, the Department approved Petitioner for FAP benefits of \$105 per month for a three-person FAP group effective June 1, 2025, and issued Petitioner a FAP benefit supplement in the amount of \$105 for May 2025.

To determine whether the Department properly calculated Petitioner's FAP benefit amount, the Department begins with the client's countable earned and unearned income. BEM 500 (April 2022), pp. 1 – 5. The gross amounts of RSDI income, SSI, and SSP income are countable unearned income. BEM 503 (January 2025), pp. 30 – 32, 35 – 37. In this case, the Department and Petitioner agreed that Petitioner's total household monthly income was from RSDI and SSI in the amount of \$[REDACTED].

After countable income is calculated, the Department must determine which deductions are available to Petitioner. Because Petitioner is over [REDACTED] years of age, she is considered a senior/disabled/veteran (SDV) household. BEM 550 (April 2025), pp. 1 – 2. Households with SDV members with unearned income may be eligible for the following deductions only:

- Standard deduction based on group size.
- Dependent care expense.
- Medical expense deduction for medical expenses of the SDV member in excess of \$35.
- Court ordered child support and arrearages paid to non-household members.
- Excess shelter deduction.

BEM 554 (June 2025) pp. 1, 11 – 13; BEM 556 (October 2024) pp. 4 – 6; RFT 255 (October 2024).

Although the Department did not introduce a budget to show how it determined Petitioner's FAP benefit amount, it testified that Petitioner received a \$204 standard deduction from her countable income based on her three-person FAP group size, and there was no dispute that Petitioner did not report any medical expenses, dependent care, or court ordered child support expenses. (See also Exhibit A, p. 24). Therefore,

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the Department properly deducted only the \$204 standard deduction from Petitioner's unearned income.

Next, the Department determines any excess shelter expense deduction. To start, the Department first calculates Petitioner's adjusted gross income (AGI) by subtracting the allowable deductions outlined above from the countable income. Based on Petitioner's gross unearned income of \$ [REDACTED], and Petitioner's standard deduction of \$204, Petitioner's AGI was \$ [REDACTED].

To complete the excess shelter deduction calculation, the Department reviewed Petitioner's housing and utility expenses. The Department testified, and Petitioner did not dispute that Petitioner had a housing expense of \$408.33 per month based on her annual property taxes and homeowner's insurance, and was responsible for payment of her heat and other utilities. When a FAP group has heating and other utility expenses, separate from their housing payment, it is entitled to a heat and utility (h/u) standard amount to be included in the calculation of the excess shelter deduction, which is the highest amount available to FAP groups who pay utilities. BEM 554, p. 17. The h/u standard amount is \$664 (RFT 255) and the Department properly budgeted Petitioner's housing expense and used the h/u standard amount when calculating Petitioner's excess shelter expense.

Once Petitioner's housing and utility expenses have been determined, the Department must add those amounts together for a total shelter amount and then subtract 50% of Petitioner's AGI from the total shelter amount. BEM 556, pp. 5 – 6. This determines Petitioner's excess shelter deduction.

The total of Petitioner's monthly housing of \$408.33 and the h/u standard of \$664 was \$1,072. Because 50% of Petitioner's \$ [REDACTED] AGI in the amount of \$ [REDACTED], is more than Petitioner's total shelter amount of \$1,072, Petitioner's excess shelter deduction was \$0 and her net monthly income was \$ [REDACTED].

Once the net monthly income has been determined under the FAP program, the Department determines what benefit amount Petitioner is entitled to, based on the group size, according to the Food Assistance Issuance Table found in RFT 260. Based on Petitioner's three-person FAP group size and net income of \$ [REDACTED], the Department properly determined Petitioner's monthly benefit amount of \$105. RFT 260 (October 2024), p. 31.

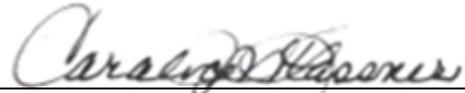
It is noted that Petitioner testified that her property taxes have increased, she has an internet expense, and she may have out of pocket medical expenses. However, she confirmed that she did not report that information to the Department. Petitioner was advised to submit any changes in her circumstances to the Department for consideration of future FAP benefits.

DECISION AND ORDER

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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 effective June 1, 2025.

Accordingly, Petitioner's request for hearing as to MA is **DISMISSED**, and the Department's decision as to Petitioner's FAP benefits is **AFFIRMED**.



CARALYCE M. LASSNER
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

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DETROIT, MI 48209

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Interested Parties

B. CABANAW
M. HOLDEN
BSC4

Via First Class Mail:

Petitioner

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

