



Date Mailed: July 21, 2025

Docket No.: 25-023118

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দ্রষ্টাবেজ 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: July 21, 2025
Docket No.: 25-023118
Case No.: [REDACTED]
Petitioner: [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 July 14, 2025. Petitioner did not participate. [REDACTED] Petitioner's mother, testified and participated as Petitioner's authorized hearing representation. The Michigan Department of Health and Human Services (MDHHS) was represented by Rosemary Molsbee-Smith, 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 May [REDACTED] and June [REDACTED] 2025, Petitioner received respective gross biweekly wages from [REDACTED] (hereinafter, "Employer") of \$[REDACTED] and \$[REDACTED]
1. On June [REDACTED] 2025, Petitioner applied for FAP benefits and reported not buying and preparing food with other household members. Petitioner also reported ongoing wages from Employer.
2. As of June 2025, Petitioner was under 60 years of age, not disabled, and not a disabled veteran.
3. As of June 2025, Petitioner had no child support or dependent care expenses.
4. As of June 2025, Petitioner reported a housing obligation of \$[REDACTED] an obligation for heating/cooling, and no internet expenses.

5. On June █ 2025, MDHHS approved Petitioner for prorated benefits of \$█ in June 2025 and \$█ beginning July 2025.
6. On June 10, 2025, Petitioner's AHR requested a hearing to dispute the termination of FAP benefits.

CONCLUSIONS OF LAW

The FAP [formerly known as the Food Stamp program] is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 7 USC 2036d. It is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers the FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3001 to R 400.3031. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's AHR requested a hearing to dispute a determination of FAP benefits. Exhibit A, pp. 4-5. Petitioner applied for FAP benefits on June █ 2025.¹ Exhibit A, pp. 12-19. A Notice of Case Action dated June █ 2025, approved Petitioner for a prorated amount of \$█ for June 2025 and \$█ for July 2025. Exhibit A, pp. 29-33. The analysis will first consider Petitioner's FAP eligibility beginning July 2025.

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. A budget summary from the approval notice listed all FAP budget factors. Exhibit A, p. 30. During the hearing, all relevant budget factors were discussed with Petitioner's AHR.

MDHHS factored a benefit group including only Petitioner. Petitioner's AHR did not object to the group size of one person.²

It was not disputed that Petitioner received ongoing biweekly wages at the time of application. Wage documents dated May 20 and June 3, 2025, listed respective gross wages for Petitioner of \$█ and \$█. Exhibit A, pp. 20-21. 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 \$█ the same amount calculated by MDHHS. MDHHS issues a 20% credit for timely

¹ Because Petitioner applied after business hours on June █ 2025, MDHHS properly registered the application date for the next business day: June █ 2025. BAM 110 (January 2025) p. 6.

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.

reported employment income. Multiplying the income by .8 results in countable wages of \$ [REDACTED] (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 is not an SDV benefit group member thus, medical expenses are not countable. Petitioner did not allege having child support or dependent care expenses. Petitioner's group's non-shelter expenses were \$0: the same amount calculated by MDHHS.

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

MDHHS credited Petitioner with monthly housing expenses of \$ [REDACTED] Petitioner's AHR 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.⁴ Petitioner's application did not allege having internet expenses. Exhibit A, p. 18. Petitioner's total shelter credits (housing + utilities) were \$ [REDACTED]

MDHHS only credits FAP benefit groups with an "excess shelter" expense. The expense is calculated by subtracting half of Petitioner's adjusted gross income from Petitioner's total shelter obligation. However, excess shelters are capped at \$712 (see RFT 255) for groups without an SDV member. Petitioner's excess shelter expenses exceed the capped amount but Petitioner's excess shelter expense is capped at \$712 because the benefit group has no SDV members.

⁴ 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.

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 \$671 in net income for Petitioner's group. A chart is used to determine the proper FAP benefit issuance.⁵ RFT 260 (October 2024) pp. 1-5. Based on Petitioner's group size and net income, Petitioner's proper FAP issuance for July 2025 is \$ [REDACTED] the same amount calculated by MDHHS.

Petitioner's AHR additionally disputed FAP eligibility of \$ [REDACTED] for June 2025. Exhibit A, pp. 4-5. For June 2025, MDHHS presented corresponding FAP budgets. Exhibit A, pp. 36-38.

MDHHS inexplicably calculated gross monthly wages for Petitioner of \$ [REDACTED]. Because the income is lower (thus, more favorable for Petitioner), it will be accepted as correct. Applying a 20% credit results in countable monthly income of \$ [REDACTED]. Subtracting \$0 for Petitioner's non-shelter expenses and \$204 for the standard deduction results in adjusted gross income of \$ [REDACTED]. Petitioner is again entitled to the capped shelter credit of \$712. Subtracting the excess shelter credit from the adjusted gross income results in a net income of \$ [REDACTED]. Based on Petitioner's group size and net income, Petitioner's proper FAP issuance is \$ [REDACTED] for a full month.

Benefits are prorated for applications based on the application date and days in the application month (see BEM 554). Multiplying the non-prorated benefit amount of \$ [REDACTED] by the number of days in June 2025 starting with Petitioner's application date (25) and dividing by the number of days in the month (30) results in a prorated benefit amount of \$ [REDACTED] (dropping cents): the same amount calculated by MDHHS. The evidence established that MDHHS properly calculated Petitioner's FAP eligibility for June and July 2025.

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 for June 2025 and \$ [REDACTED] beginning July 2025. The actions taken by MDHHS are **AFFIRMED**.



CHRISTIAN GARDOCKI
ADMINISTRATIVE LAW JUDGE

⁵ 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.

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
OAKLAND COUNTY DHHS -
MADISON HTS DIST
30755 MONTPELIER DR
MADISON HTS, MI 48071
MDHHS-OAKLAND-DISTRICTII-
HEARINGS@MICHIGAN.GOV

Via First Class Mail:

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]