



Date Mailed: July 16, 2025
Docket No.: 25-023119
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.: 25-023119

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 14, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Remy Williams, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits effective June 1, 2025 ongoing?

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 was an ongoing recipient of FAP benefits for a six-person FAP group that includes herself; her son, [REDACTED] (Son); and four foster children, [REDACTED] (AU), [REDACTED] (AD), [REDACTED] (RA), and [REDACTED] (AR). Son and AR are disabled. (Exhibit A, pp. 3, 16 – 17, 20 – 22, 25).
2. On May 19, 2025, the Department received a completed FAP redetermination application from Petitioner. Petitioner reported that there were no changes in her household members and that all members purchase and prepare food together. Petitioner reported no medical, dependent care, or court order child support expenses, but did report heat, internet, and other utility expenses. (Exhibit A, pp. 15 – 19).
3. Petitioner had the following household income:
 - a. Supplemental Security Income (SSI) for Son,
 - b. State SSI Payment (SSP) for Son,
 - c. Foster Care and Determination of Care (child foster care payments) for AU, AD, RA, and AR.

(Exhibit A, pp. 20 – 23).

4. From May 10, 2025 to July 10, 2025, Petitioner received the following child foster care payments for AU, AD, RA, and AR:
 - a. May 10, 2025 for the month of April 2025 in the total amount of \$ [REDACTED];
 - b. June 10, 2025 for the month of May 2025 in the total amount of \$ [REDACTED];
and
 - c. July 10, 2025 for the month of June 2025 in the total amount of \$ [REDACTED].

(Exhibit A, p. 23; Exhibit 1, pp. 1 – 2).

5. On June 6, 2025, the Department received a request for hearing from Petitioner, disputing the amount of her monthly FAP benefit. (Exhibit A, pp. 4 – 6).
6. On June 20, 2025, the Department sent Petitioner a Benefit Notice (NOCA) that approved Petitioner for \$127 per month in FAP benefits for a six-person FAP group based on \$0 earned and \$4,501 unearned income. (Exhibit A, pp. 28 – 31).
7. Petitioner was initially approved for \$122 per month in FAP benefits for a six-person group based on \$ [REDACTED] earned and \$ [REDACTED] unearned income. (Exhibit A, p. 3).

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.

Petitioner requested a hearing to dispute the amount of her monthly FAP benefit. The Department approved Petitioner for \$127 per month in FAP benefits for a six-person FAP group based on \$ [REDACTED] earned and \$ [REDACTED] unearned income.

Each time the Department evaluates eligibility of a household for FAP benefits, it determines who must be included in the FAP group. BEM 212 (January 2025), p. 1. People who live together and purchase and prepare food together, and parents and their children who are under the age of 22 who reside together, must be included in the

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same group. BEM 212, p. 1. However, FAP recipients who are foster parents may choose to include or exclude a foster child from the FAP group; if excluded, the foster child is not eligible for FAP as a separate group, and the child foster care payment for that child is not income to the group. BEM 212, pp. 2, 9.

Here, there was no dispute that Petitioner and Son live together, and Son is under [REDACTED] years of age. (Exhibit A, p. 16). Additionally, Petitioner is the foster parent of AU, AD, RA, and AR, and Petitioner has included them in the FAP group since July 2024. (Exhibit A, p. 5). Therefore, Petitioner has a six-person FAP group.

Once the FAP group has been established, the Department calculates the client's countable earned and unearned income to determine FAP eligibility. BEM 500 (April 2022), pp. 1 – 5. For purposes of FAP, the gross amounts of child foster care payments, SSI, and SSP income are countable unearned income. BEM 503 (January 2025), pp. 5, 35 – 37. In this case, the Department and Petitioner agreed that Petitioner's total monthly income was from child foster care payments, SSI, and SSP income, and although Petitioner's child foster care payments are calculated on a per diem basis, the total amount Petitioner received from all sources was \$[REDACTED]. Therefore, the Department properly determined that Petitioner had countable income of \$[REDACTED].

After countable income is calculated, the Department must determine which deductions are available to Petitioner. Because Son and AR are disabled, Petitioner 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) p. 1; BEM 556 (October 2024) pp. 4 – 6.

The Department introduced a budget to show how it determined Petitioner's FAP benefit amount. (Exhibit A, pp. 24, 26). The budget reflected that the Department properly deducted a \$291 standard deduction from Petitioner's countable income based on her six-person FAP group size. RFT 255 (October 2024). The Department testified, and Petitioner confirmed, that she did not report any medical expenses for Son or AR, dependent care, or court ordered child support expenses. Therefore, the Department properly deducted only the \$291 standard deduction from Petitioner's total monthly 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 countable income of \$ [REDACTED], and Petitioner's standard deduction of \$291, Petitioner's AGI was \$ [REDACTED].

To complete the excess shelter deduction calculation, the Department reviewed Petitioner's housing and utility expenses. There was no dispute that Petitioner had a housing expense of \$886 per month, was responsible for payment of her heat and other utilities, and responsible for payment of an internet expense. 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 \$664 and the highest amount available to FAP groups who pay utilities. BEM 554, p. 17; RFT 255. Additionally, when a FAP group, such as Petitioner, has an internet expense, it is also entitled to a \$50 standard amount to be included in the calculation of the excess shelter deduction. BEM 554, p. 26, RFT 255. The evidence established that the Department properly budgeted Petitioner's housing expense, and used the h/u and internet standard amounts, when calculating Petitioner's excess shelter expense.

Once Petitioner's housing and allowable 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 whether Petitioner is eligible for an excess shelter deduction and, if so, the amount of the deduction.

The total of Petitioner's monthly housing of \$886, plus the h/u standard of \$664 and the internet standard of \$50, was \$1,600. When 50% of Petitioner's \$ [REDACTED] AGI, in the amount of \$ [REDACTED], was subtracted from the total shelter amount of \$1,600, Petitioner's excess shelter deduction was \$0. Therefore, Petitioner was not eligible for an excess shelter deduction and the Department properly determined that her AGI of \$ [REDACTED] was her net income.

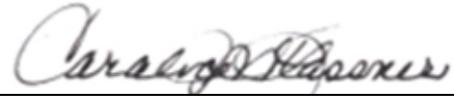
Once the net monthly income has been determined under the FAP program, the Department determines what benefit amount Petitioner is entitled to, based on the group size, according to the Food Assistance Issuance Table found in RFT 260. Based on Petitioner's six-person FAP group size and net income of \$ [REDACTED], the Department properly determined Petitioner's monthly benefit amount of \$127 for June 1, 2025 ongoing. RFT 260 (October 2024), p. 58.

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 determined Petitioner's monthly FAP benefit amount effective June 1, 2025 ongoing.

Accordingly, the Department's decision 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:

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Interested Parties

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