



Date Mailed: August 28, 2025
Docket No.: 25-024729
Case No.: [REDACTED]
Petitioner: [REDACTED] [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 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.

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Docket No.: 25-024729

Case No.: [REDACTED]

Petitioner: [REDACTED] [REDACTED]

HEARING DECISION

On July 1, 2025, Petitioner [REDACTED] [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on August 26, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. An Arabic interpreter provided interpretation for Petitioner. Respondent Michigan Department of Health and Human Services (Department) had Eligibility Specialist Lori Turner appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 35-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

ISSUE

Did the Department properly determine Petitioner's 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. Petitioner is not married.
2. Petitioner lives with her three children: [REDACTED]
[REDACTED]. [REDACTED] birthdate is August [REDACTED] 2001. [REDACTED] birthdate is August [REDACTED] 2004.
[REDACTED] birthdate is July [REDACTED] 2007. [REDACTED], and [REDACTED] are students.
3. In February 2025, the Department initiated a review of Petitioner's case to redetermine her FAP eligibility.
4. In February 2025, Petitioner's household was receiving the following income:
 - a. Petitioner was employed at [REDACTED] Child Care. Petitioner was working an average of 37 hours per week, and [REDACTED] Child Care was paying Petitioner \$[REDACTED] per hour. [REDACTED] Child Care paid Petitioner biweekly.

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Petitioner's two most recent paychecks from [REDACTED] Child Care were \$948.50 on January 30, 2025, and \$1,036.00 on February 13, 2025.

- b. [REDACTED] was employed at [REDACTED] [REDACTED] was working an average of 25 hours per week, and [REDACTED] [REDACTED] was paying [REDACTED] \$[REDACTED] per hour. [REDACTED] [REDACTED] paid [REDACTED] biweekly. [REDACTED] two most recent paychecks from [REDACTED] [REDACTED] were for \$509.60 on February 7, 2025, and \$212.60 on February 21, 2025.
- c. [REDACTED] was employed at [REDACTED] [REDACTED] was working an average of 40 hours per week, and [REDACTED] was paying [REDACTED] \$4.74 per hour plus tips. [REDACTED] [REDACTED] paid Shelan biweekly. Shelan's two most recent paychecks from [REDACTED] [REDACTED] were for \$1,490.96 on February 7, 2025, and \$2,348.77 on February 21, 2025.
5. Petitioner was claiming [REDACTED] as a tax dependent; Petitioner was not claiming [REDACTED] and [REDACTED] as tax dependents.
6. The Department determined that Petitioner's household income exceeded the limit for Petitioner to be eligible for FAP benefits.
7. On March 10, 2025, the Department mailed a notice of case action to Petitioner to notify Petitioner that she was ineligible for FAP benefits, effective April 1, 2025, because her household income exceeded the applicable limit.
8. Petitioner requested a hearing to dispute the Department's decision.

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) 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

FAP benefits are issued to households. 7 CFR 273.1. Eligibility for FAP benefits is based on household income. 7 CFR 273.9. In general, the income that each household member receives must be considered when the Department determines a household's eligibility for FAP benefits. In this case, Petitioner's household consisted of Petitioner and her three children. Petitioner received income from employment, [REDACTED] received income from employment, and [REDACTED] received income from employment. All

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of the income that Petitioner, [REDACTED] and [REDACTED] received is considered household income and must be considered to determine Petitioner's eligibility for FAP benefits.

When a household member receives earned income, the Department must convert the household member's earned income to a standard monthly amount. The Department starts by determining the household member's gross earned income based on the household member's income from the past 30 days (if it appears to accurately reflect what is expected to be received in the benefit month). BEM 505 (June 1, 2025), p. 6. The Department must discard all pay from the past 30 days that does not reflect the normal expected pay amounts. *Id.*

Petitioner's average biweekly gross income was \$[REDACTED] based on her two most recent paychecks. Biweekly income is converted to a standard monthly amount by multiplying it by 2.15. *Id.* at 8-9. Thus, Petitioner's standard monthly gross income from her employment was \$[REDACTED]

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Petitioner's total gross household income was \$[REDACTED] per month. The 200% gross income limit for categorically eligible groups applied to Petitioner. BEM 213 (October 1, 2024), p. 1. The 200% gross income limit was \$5,200.00 per month for a household size of four. RFT 250 (October 1, 2024). Gross household income is the total of all earned and unearned income that a household receives. 7 CFR 273.10(e)(1)(i)(A) and 7 CFR 273.10(e)(2)(B). Petitioner's gross household income exceeded the applicable income limit to be eligible for FAP benefits. Therefore, the Department properly determined that Petitioner was ineligible for FAP benefits because her household income exceeded the applicable limit. Accordingly, the Department's decision is affirmed.

Petitioner asserted that her household income has changed because she stopped working and [REDACTED] started working. If Petitioner's household income has changed, then Petitioner should notify the Department, and the Department will redetermine Petitioner's household income.

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 its policies and the applicable law when it determined Petitioner's FAP eligibility.

IT IS ORDERED that the Department's decision is **AFFIRMED**.



JEFFREY KEMM
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

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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]