



Date Mailed: August [REDACTED], 2025
Docket No.: 25-024735
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]

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

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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.

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Docket No.: 25-024735
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 30, 2025. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by JoAnna Rivera, Assistance Payments Supervisor.

ISSUE

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

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 an ongoing recipient of FAP benefits for a one-person FAP group.
2. On February 24, 2025, the Department received a FAP redetermination application from Petitioner. Petitioner reported that he had no income or utility expenses, had medical expenses related to prescriptions, and had a change in his housing expense but was waiting on Social Security. (Exhibit B, pp. 1 – 5).
3. On March 4, 2025, the Department interviewed Petitioner and he reported that he did not have any housing, utility, or medical expenses.
4. On June 2, 2025, Petitioner received a lump sum initial Supplemental Security Income (SSI) payment. (Exhibit A, p. 18).
5. On June 4, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that decreased Petitioner's monthly FAP benefit to [REDACTED] per month effective July 1, 2025, based on [REDACTED] in unearned income and [REDACTED] medical, housing, or utility expenses. (Exhibit A, pp. 6 – 7).

6. On June 25, 2025, the Department sent Petitioner a NOCA that approved Petitioner for quarterly State SSI Payments (SSP), equal to [REDACTED] per month, effective August 1, 2025. (Exhibit A, pp. 25 – 26).
7. On July 1, 2025, Petitioner received a SSI payment of [REDACTED] (Exhibit A, p. 18).
8. On July 1, 2025, the Department sent Petitioner a NOCA that decreased Petitioner's monthly FAP benefit to [REDACTED] per month effective August 1, 2025, based on [REDACTED] in unearned income and [REDACTED] medical, housing, or utility expenses. (Exhibit A, pp. 11 – 12).
9. On July 7, 2025, the Department received a request for hearing from Petitioner, disputing the amount of his monthly FAP benefit. (Exhibit A, pp. 3 – 5).
10. On July 15, 2025, the Department sent Petitioner a NOCA that increased Petitioner's monthly FAP benefit to [REDACTED] per month effective August 1, 2025, based on an increase in his reported housing expense.
11. On August 1, 2025, Petitioner will begin receiving a regular ongoing SSI payment of [REDACTED] per month. (Exhibit A, pp. 17 – 18).

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 his monthly FAP benefit. Petitioner began receiving SSI and the Department decreased Petitioner's FAP benefits to [REDACTED] per month effective July 1, 2025, and then to [REDACTED] per month effective August 1, 2025, based on Petitioner's income and [REDACTED] housing or utility expenses. Subsequently, Petitioner reported a housing expense, and the Department increased Petitioner's FAP benefits to [REDACTED] per month effective August 1, 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. For purposes of FAP, the gross amounts of

SSI and SSP income are countable unearned income. BEM 503 (July 2025), pp. 36 – 38.

As relevant to this matter, there was no dispute that Petitioner received an initial lump sum SSI payment in June 2025, and began receiving monthly SSI payments in July 2025. Specifically, Petitioner received a SSI payment of [REDACTED] in July 2025, and will receive an increased SSI payment of [REDACTED] in August 2025 ongoing. The evidence also established that Petitioner will also receive SSP effective August 1, 2025, paid quarterly based on [REDACTED] per month.

The Department introduced a budget for July 2025, and a budget for August 2025, to show how it determined Petitioner's FAP benefit amounts. (Exhibit A, pp. 21, 24). A review of both budgets established that the Department properly budgeted Petitioner's total income of [REDACTED] for July 2025, and total income of [REDACTED] for August 2025 ongoing.

After countable income is calculated, the Department must determine which deductions are available to Petitioner. Because Petitioner is disabled, he 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 [REDACTED]
- 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.

Both budgets introduced by the Department reflected that it properly deducted a \$204 standard deduction from Petitioner's countable income based on his one-person FAP group size. RFT 255 (October 2024). The Department testified, and Petitioner confirmed, that he did not report any dependent care or court ordered child support expenses; and although Petitioner testified that he incurred medical expenses, he stated that those expenses are generally less than [REDACTED] per month. Therefore, the Department properly deducted only the [REDACTED] standard deduction from Petitioner's total monthly income on both the July 2025 and August 2025 budgets.

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, and Petitioner's standard deduction of [REDACTED], the Department

properly determined Petitioner's AGI was [REDACTED] for July 2025, and \$777 for August 2025.

To complete the excess shelter deduction calculation, the Department then reviews Petitioner's housing and utility expenses, if any. In this case, there was no dispute that Petitioner did not report any housing or utility expenses to the Department until after his request for the instant hearing.

June 4, 2025 NOCA Regarding July 2025 FAP Benefit Amount

Because Petitioner did not report a housing expense to the Department, Petitioner's excess shelter deduction was [REDACTED] for July 2025. Therefore, the Department properly determined Petitioner was not eligible for an excess shelter deduction for July 2025, and that his AGI of [REDACTED] was his 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 one-person FAP group size and net income of [REDACTED], the Department properly determined Petitioner's monthly benefit amount of [REDACTED] for July 2025. RFT 260 (October 2024), p. 7.

July 1, 2025 NOCA Regarding August 2025 FAP Benefit Amount

Because Petitioner had not reported a housing expense to the Department as of July 1, 2025, the date the Department issued the initial NOCA effective August 1, 2025, it properly determined at that time that Petitioner's excess shelter deduction was [REDACTED] for August 2025. Therefore, the Department properly determined Petitioner was not eligible for an excess shelter deduction for August 2025, and that his AGI of \$777 was his net income.

Based on Petitioner's FAP group size and net income of [REDACTED], the Department properly determined Petitioner's monthly benefit amount of [REDACTED] effective August 1, 2025, when it issued the July 1, 2025 NOCA. RFT 260 (October 2024), p. 11.

July 15, 2025 NOCA Regarding August 2025 FAP Benefit Amount

After the Department issued the July 1, 2025 NOCA, Petitioner reported that he was responsible to pay a rent expense of [REDACTED] per month, and the Department timely processed his reported change. Although Petitioner testified that his rent expense started in June 2025, there was no evidence that he reported it to the Department until after July 1, 2025. There was no dispute that Petitioner continued to have no utility expense. Changes in expenses reported to the Department are not effective immediately or retroactively. BAM 220 (June 2025), p. 11.

The Department testified that it recalculated Petitioner's excess shelter deduction and based on Petitioner's [REDACTED] monthly rental expense and [REDACTED] utilities, determined Petitioner's total shelter amount was [REDACTED]. Once the client's total shelter amount is determined, the Department must 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.

When 50% of Petitioner's [REDACTED] AGI, in the amount of [REDACTED], was subtracted from his total shelter amount of [REDACTED], the Department properly determined that Petitioner's excess shelter deduction was [REDACTED]. When Petitioner's [REDACTED] AGI was reduced by his excess shelter deduction of [REDACTED], his net income was [REDACTED].

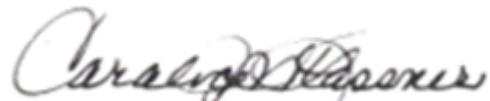
Based on Petitioner's one-person FAP group size and net income of [REDACTED], the Department properly determined Petitioner's monthly benefit amount of [REDACTED]. RFT 260 (October 2024), p. 10. Because Petitioner's reported change resulted in an increase in his FAP benefits and he reported the change at least 10 days prior to August 1, 2025, the Department properly determined the effective date of the change was August 1, 2025. BAM 220, p. 8.

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:

- a. Determined Petitioner's monthly FAP benefit amount of [REDACTED] for July 2025,
- b. Initially determined his monthly FAP benefit amount of [REDACTED] effective August 1, 2025, and
- c. Redetermined his monthly FAP benefit amount and increased it to [REDACTED] effective August 1, 2025, based on his reported change of expenses.

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:

Respondent

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Via First Class Mail:

Petitioner

[REDACTED]