



**Date Mailed:** August 5, 2025

**Docket No.:** 25-024951

**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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### **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 herself. The Department of Health and Human Services (Department) was represented by Deanna Dean, Eligibility Specialist, and Corlette Brown, Hearing Facilitator.

### **ISSUE**

Did the Department properly deny Petitioner Food Assistance Program (FAP) benefits due to excess net income?

### **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 [REDACTED] 2025, the Department received an application for FAP benefits from Petitioner. Petitioner reported that her household included herself, her [REDACTED] year old daughter, [REDACTED] (CH), and her [REDACTED] year old daughter, [REDACTED] (CA). Petitioner reported that the only income in the household was from Supplemental Security Income (SSI) for Petitioner and CH. (Exhibit A, pp. 5 – 12).
2. On June 4, 2025, the Department interviewed Petitioner. Petitioner confirmed that she and CH received SSI, and reported that CA was employed by [REDACTED] (Employer).
3. On June 4, 2025, the Department received four bi-weekly paystubs for CA's employment with Employer. The paystubs reflected that on:
  - a. April 11, 2025, CA had gross earnings of \$ [REDACTED],
  - b. April 25, 2025, CA had gross earnings of \$ [REDACTED],
  - c. May 9, 2025, CA had gross earnings of \$ [REDACTED], and
  - d. May 23, 2025, CA had gross earnings of \$ [REDACTED].

(Exhibit A, pp. 13 – 16).

4. The Department retrieved a State Online Query (SOLQ) and confirmed that Petitioner receives Retirement, Survivors, and Disability Insurance (RSDI) income of \$■■■ and SSI of \$■■■ per month; and that CH receives SSI of \$■■■ per month. Both Petitioner and CH also receive a State SSI Payment (SSP) each of \$■■■ quarterly.
5. On June 12, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved Petitioner for \$45 in FAP benefits for the period of May 23, 2025 to May 31, 2025, for a three-person FAP group; and denied Petitioner for FAP benefits effective June 1, 2025, due to excess income. (Exhibit A, pp. 17 – 18).
6. On June 27, 2025, the Department received a verbal request for hearing from Petitioner. Petitioner also reported that CA was no longer employed by Employer. (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 Department's denial of her application for FAP benefits. The Department denied Petitioner's application for FAP benefits due to excess net income.

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

Here, Petitioner testified that although CA resides at home, she is home infrequently and asked how she could have CA removed from her FAP benefit case. However, when Petitioner applied for benefits and was interviewed, she reported to the

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Department that she and her daughters, both who are under [REDACTED] years of age, reside together. Therefore, the Department properly determined that CA was a mandatory member of Petitioner's household and that Petitioner had a three-person FAP group.

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Once the Department has determined who must be included in the FAP group, it determines the group's eligibility for program benefits based on the actual income and/or prospective income of the FAP group and must consider all countable earned and unearned income available to the Petitioner. BEM 500 (April 2022), pp. 1 – 5. For purposes of FAP, the gross amounts of SSI and SSP income are countable unearned income; while wages from employment are earned income and may be prospected. BEM 501 (January 2024), pp. 6 – 7; BEM 503 (January 2025), pp. 35 – 37. Prospective income is income not yet received, but expected, and is based on the past 30 days when that income appears to accurately reflect what is expected to be received in the benefit month. BEM 505 (October 2023), pp. 1, 6 – 7. For the purposes of FAP, the Department must convert income that is received more often than monthly into a standard monthly amount and the average of bi-weekly amounts is multiplied by 2.15. BEM 505, pp. 8 – 9.

In this case, there was no dispute that Petitioner did not provide the Department with details regarding CA's employment and income. The Department testified that it calculated CA's earned income based on her May 9, 2025 and May 23, 2025 paystubs, as the last 30 days of income, and used its best judgement to discard the May 23, 2025 paystub as unusual and not reflective of CA's normal, expected pay amounts. BEM 505, p. 6. The Department explained that when it converted CA's May 9, 2025 gross income into a standard monthly amount, it determined she had \$ [REDACTED] in monthly earned income.

However, the 30-day period prior to Petitioner's application began on April 23, 2025, and CA received a paycheck on April 25, 2025, in the amount of \$ [REDACTED], which was significantly less than her gross pay on May 9, 2025, and not included in the Department's calculation of her standard monthly earned income. Additionally, a review of the four paystubs submitted to the Department by Petitioner for the months of April and May 2025 established that CA's gross income varied greatly from check to check. The Department did not clearly explain why it did not include CA's April 25, 2025 gross pay when it calculated CA's standardized earned income amount; or, if the April 25, 2025 gross pay was properly excluded, how it determined that the May 9, 2025 gross pay was a more accurate reflection than the May 23, 2025 gross pay, of CA's ongoing income for purposes of prospecting her income. Therefore, the Department failed to establish that it acted in accordance with Department policy when it calculated CA's earned income.

It is noted that Petitioner testified that CA is no longer employed by Employer and the evidence established that Petitioner reported that information to the Department on June 27, 2025. Although the Department indicated that it had not received verification of CA's loss of employment, the reported change of circumstances is of no consequence to the instant hearing as, at the time Petitioner applied for FAP benefits, CA was

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employed. Petitioner may provide the Department with any verification it requires to establish CA's loss of employment if she would like the Department to consider that information going forward.

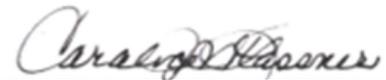
**DECISION AND ORDER**

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it calculated CA's standardized monthly earned income.

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for FAP benefits effective June 1, 2025, requesting additional verifications if necessary;
2. If Petitioner is eligible for any FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, from June 1, 2025; and
3. Notify Petitioner of its decision in writing.



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**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](https://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](mailto: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]  
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