



**Date Mailed:** August 13, 2025

**Docket No.:** 25-025908

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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[REDACTED] MI [REDACTED]

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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 August 7, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Caitlin Dodge, Family Independence Manager.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective July 1, 2025?

### **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 21, 2025, the Department received a completed FAP redetermination application from Petitioner for herself and her two minor sons. Petitioner reported that her income from employment remained \$ [REDACTED] per month and that she had no other income. (Exhibit A, pp. 4 – 6).
2. On June 6, 2025, the Department interviewed Petitioner in connection with an application for Child Development and Care (CDC).
3. On June 6, 2025, the Department sent Petitioner a Verification Checklist (VCL) regarding her FAP case and requested she provide proof of her last 30 days of income from [REDACTED] (Employer 1) and [REDACTED] (Employer 2), and verification of her dependent care expense, to the Department by June 16, 2025. (Exhibit A, pp. 7 – 8).
4. On June 16, 2025, the Department received Petitioner's verifications of income for Employer 1 and Employer 2, which established that Petitioner had the following gross income:
  - a. \$ [REDACTED] from Employer 1 for the bi-weekly pay date of May 23, 2025,

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- b. \$ [REDACTED] from Employer 1 for the bi-weekly pay date of June 6, 2025, and
  - c. \$ [REDACTED] from Employer 2 for the pay date of May 30, 2025.
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(Exhibit A, pp. 10 – 12).

- 5. On June 28, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that closed Petitioner's FAP case effective July 1, 2025, due to excess income. (Exhibit A, pp. 17 – 20).
- 6. On July 13, 2025, the Department received a verbal request for hearing from Petitioner, disputing the Department's closure of her FAP case. (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 closure of her FAP case. The Department closed Petitioner's FAP case effective July 1, 2025, due to excess net income.

The Department determines a 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 amount of wages from employment is earned income and may be prospected. BEM 501 (January 2024), pp. 6 – 7. 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 (June 2025), pp. 1, 3 – 4, 6 – 7. For the purposes of FAP, the Department must generally 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; however, for irregular income, the standard monthly amount is determined by adding together the amounts from multiple months, and dividing by the number of months used. BEM 505, pp. 8 – 9.

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In this case, there was no dispute that Petitioner provided the Department with two paystubs from her employment with Employer 1, and one paystub from her employment with Employer 2. There was also no dispute that Petitioner's earnings from Employer 2 are irregular. Although the Department testified that it calculated Petitioner's earned income based on gross monthly income of \$ [REDACTED] from Employer 2, and Petitioner did not dispute the Department's calculation in that regard, it also testified that it calculated Petitioner's earned income from Employer 1 based on her June 6, 2025 paystub alone, and determined Petitioner's gross monthly income from Employer 1 was \$ [REDACTED]. However, Petitioner credibly testified that the total of both paystubs from Employer 1 was reflective of her average monthly income from Employer 1, and the Department did not clearly explain why it excluded Petitioner's May 23, 2025 gross pay, which was less than the June 6, 2025 gross pay, when it calculated her earned income amount. Therefore, the Department failed to establish that it acted in accordance with Department policy when it calculated Petitioner's earned income from Employer 1.

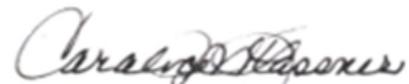
### **DECISION AND ORDER**

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 Petitioner's income and determined she had excess net income for purposes of FAP.

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 July 1, 2025, including converting her income from Employer 1 into a standard monthly amount in accordance with policy;
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 July 1, 2025; and
3. Notify Petitioner of its decision in writing.



**CARALYCE M. LASSNER  
ADMINISTRATIVE LAW JUDGE**

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**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](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]  
[REDACTED]  
[REDACTED] MI [REDACTED]