



Date Mailed: September 3, 2025
Docket No.: 25-026088
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.: 25-026088

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; 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 via telephone conference on August 28, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Remy Williams, Eligibility Specialist.

ISSUE

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

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 FAP recipient.
2. Petitioner had an ongoing FAP benefit amount of \$81.
3. Petitioner had unearned income in the form of Retirement, Survivors and Disability Insurance (RSDI) benefits in the gross amount of \$ [REDACTED] per month.
4. Petitioner had unearned income in the form of pension benefits in the gross amount of \$ [REDACTED] per month.
5. Petitioner was the sole member of his FAP group.
6. On July 14, 2025, and July 15, 2025, Petitioner submitted medical expenses to the Department.
7. Petitioner received supplements in the amount of \$ [REDACTED] for June 2025, \$ [REDACTED] for May 2025 and \$ [REDACTED] for July 2025.

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8. On July 15, 2025, the Department sent Petitioner a Notice of Case Action informing him that he was eligible for FAP benefits in the amount of \$292 for the period of August 1, 2025, through October 31, 2025 (Exhibit A, pp. 24-28).
 9. Petitioner submitted a request for hearing disputing the Department's actions.
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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.

In this case, Petitioner was an ongoing FAP recipient. In July 2025, Petitioner submitted one-time medical expenses. As a result, Petitioner's FAP benefit amount increased for April, May, July, August, September and October 2025. Petitioner disputed the Department's actions, specifically that his ongoing FAP benefit amount did not increase beyond October 2025. The Department presented a budget to establish the calculation of Petitioner's FAP benefit amount (Exhibit A, pp. 22-23).

All countable earned and unearned income available to the client must be considered in determining a client's eligibility for program benefits and group composition policies specify whose income is countable. BEM 500 (July 2017), pp. 1-5. For RSDI, the Department counts the gross benefit amount as unearned income. BEM 503 (January 2020), p. 28. Other retirement income includes annuities, private pensions, military pensions, and state and local government pensions. BEM 503, p. 29. The Department counts the gross benefit amount as unearned income. BEM 503, p. 29.

Per the budget provided, the Department included \$ [REDACTED] in unearned income. The Department presented evidence that Petitioner had unearned income in the form of RSDI benefits in the gross amount of \$ [REDACTED] and pension benefits in the gross amount of \$ [REDACTED] per month. Therefore, the Department properly determined that Petitioner had a household income of \$ [REDACTED] per month.

The deductions to income on the net income budget were also reviewed. There was evidence presented that the Petitioner's group includes a senior/disabled/veteran (SDV). BEM 550. Thus, the group is eligible for the following deductions to income:

- Dependent care expense.
- Excess shelter.
- Court ordered child support and arrearages paid to non-household members.
- Standard deduction based on group size.
- Medical deduction.

BEM 554 (January 2020), p. 1; BEM 556 (January 2020), p. 3.

Petitioner's FAP benefit group size of one justifies a standard deduction of \$204. RFT 255 (January 2020), p. 1. There was no evidence presented that Petitioner had any out-of-pocket dependent care or child support. Therefore, the budget properly excluded any deduction for dependent care and child support expenses.

As Petitioner qualifies as an SDV member, the group is entitled to deductions for verifiable medical expenses that the SDV member incurs in excess of \$35. BEM 554, p. 1. When budgeting expenses, Department policy requires that expenses are used from the same calendar month as the month for which benefits are being determined. BEM 554, p. 3. As an example, policy states June expenses are used to determine June's benefits. BEM 554, p. 3. However, expenses remain unchanged until the FAP group reports a change. BEM 554, p. 3. The Department must act on a change reported by means other than tape match within 10 days of becoming aware of the change. BAM 220 (April 2017), p. 7. Changes which result in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date. BAM 220, p. 7. For one-time only medical expenses, the Department will allow the expense in the first benefit month the change can affect. BEM 554, p. 9.

The Department presented evidence that it applied all of the medical expenses provided by Petitioner to his FAP budget in the months that they were incurred, resulting in an increase in his FAP benefits for April, May, July, August, September and October 2025 (Exhibit A, p. 21). Petitioner argued that due to the consistency of having out of pocket medical expenses, his ongoing FAP benefit amount should be increased.

As stated above, one-time medical expenses can only be applied to the month that they are incurred, not on an ongoing basis. Therefore, the Department acted in accordance with policy when it applied Petitioner's one-time medical expenses to the months they were incurred, as opposed to an ongoing basis.

In calculating the excess shelter deduction of \$820, the Department stated that it considered Petitioner's verified housing expense of \$406 and that he was eligible for the LIHEAP standard, entitling him to the heat/utility standard of \$664. BEM 554, pp. 14-15.

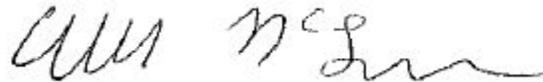
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The Department testified when calculating Petitioner's excess shelter amount, they added the total shelter amount and subtracted 50% of the adjusted gross income. Petitioner's excess shelter deduction was properly calculated at \$820 per month.

The FAP benefit group's net income is determined by taking the group's adjusted gross income and subtracting the allowable excess shelter expense. After subtracting the allowable deductions, the Department properly determined Petitioner's adjusted gross income to be \$[REDACTED]. Petitioner's adjusted gross income subtracted by the \$820 excess shelter deduction results in a net income of \$0. A chart listed in RFT 260 is used to determine the proper FAP benefit issuance based on the net income and group size. Based on Petitioner's net income and group size, Petitioner's FAP benefit issuance is \$292 (the maximum allowed for his group size). Therefore, the Department properly calculated Petitioner's FAP benefit amount.

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 FAP eligibility. Accordingly, the Department's decision is **AFFIRMED**.



**ELLEN MCLEMORE
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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