



Date Mailed: August 25, 2025

Docket No.: 25-027090

Case No.: [REDACTED]

Petitioner: [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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Case No.: [REDACTED]

Petitioner: [REDACTED] [REDACTED]

HEARING DECISION

On July 15, 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 20, 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. Respondent Michigan Department of Health and Human Services (Department) had Hearings Facilitator April Sprague appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 61-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 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 is a disabled individual.
2. Petitioner is a FAP benefit recipient.
3. Petitioner lives with her mother, but they purchase and prepare their food separately.
4. Petitioner receives \$[REDACTED] per month from Social Security RSDI.
5. Petitioner pays her mother \$[REDACTED] per month for rent, which includes all of the utilities.
6. Petitioner pays her own phone bill.

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7. Petitioner last received a LIHEAP payment in July 2024; Petitioner did not receive a LIHEAP payment in July 2025.
 8. In July 2025, the Department reviewed Petitioner's case and redetermined her FAP benefit amount.
 9. The Department determined that the maximum FAP benefit that Petitioner was eligible for was \$23.00 per month for a group size of one. The Department determined Petitioner's FAP benefit amount using the following information:
 - a. Group size of one.
 - b. \$[REDACTED] per month in unearned income.
 - c. \$[REDACTED] per month for a standard deduction.
 - d. \$[REDACTED] per month for a housing expense.
 - e. \$[REDACTED] per month for a telephone standard.
 10. Petitioner has a debt that she owes to the Department for an intentional program violation (IPV).
 11. The Department determined that Petitioner's FAP benefit was subject to an administrative recoupment of \$20.00 per month to repay the debt.
 12. On July [REDACTED] 2025, the Department mailed a notice of case action to Petitioner to notify her that her FAP benefit was going to decrease to \$3.00 per month, effective August 1, 2025.
 13. Petitioner requested a hearing to dispute her FAP benefit amount.

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.

In this case, the Department determined that Petitioner was eligible for a maximum FAP benefit of \$23.00 per month, effective August 1, 2025. Petitioner is disputing her FAP

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benefit amount. Thus, the issue is whether the Department properly determined Petitioner's FAP benefit amount.

The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income and then looking that information up in its applicable Food Issuance Table. BEM 212 (June 1, 2025), BEM 213 (October 1, 2024), BEM 550 (April 1, 2025), BEM 554 (June 1, 2025), BEM 556 (October 1, 2024), RFT 255 (October 1, 2024), and RFT 260 (October 1, 2024).

Based on Petitioner's gross unearned income of \$[REDACTED] per month, Petitioner's housing cost of \$[REDACTED] per month, and Petitioner's obligation to pay a telephone expense, Petitioner's net income was \$[REDACTED] per month. Based on Petitioner's net income of \$[REDACTED] and Petitioner's group size of one, the maximum FAP benefit amount that Petitioner was eligible for was \$23.00 per month. Accordingly, the Department properly determined that Petitioner was eligible for a FAP benefit amount of \$23.00 per month, effective August 1, 2025.

Although Petitioner may have additional expenses, and Petitioner may not have a net income of \$1,136.00 per month to live on, the Department properly used the maximum deductions and standards that it was permitted to use to calculate Petitioner's FAP benefit amount, and the Department properly determined the maximum FAP benefit amount that Petitioner was eligible for. Petitioner was not eligible for a heat/utility standard because Petitioner is not responsible for paying for heating/cooling utilities, and Petitioner did not receive a LIHEAP payment within the 12 months prior to her certification month. BEM 554 at 19-24.

The Department reduced Petitioner's \$23.00 FAP benefit by \$20.00 for an administrative recoupment because Petitioner owes the Department a debt for an IPV. When a client owes the Department a debt, the Department uses administrative recoupment to collect the debt from the active program. BAM 725 (January 1, 2021), pp. 6-7. The standard administrative recoupment amount for FAP benefits is the greater of 20% or \$20.00 per month for an IPV-related debt. *Id.* at 8. The Department properly determined that Petitioner's FAP benefit was subject to an administrative recoupment of \$20.00 per month because Petitioner owes the Department an IPV-related debt.

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 benefit amount.

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]