



**Date Mailed:** August 26, 2025

**Docket No.:** 25-027108

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

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**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

**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 telephone hearing was held via Microsoft Teams on August 20, 2025. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Rosemary Molsbee-Smith, specialist.

**ISSUE**

The issue is whether MDHHS properly determined Petitioner's Food Assistance Program (FAP) eligibility.

**FINDINGS OF FACT**

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of April 2025, Petitioner received \$[REDACTED] in monthly FAP benefits as an aged and/or disabled and sole individual of a FAP benefit group.
1. As of May 2025, Petitioner received \$[REDACTED] in gross monthly Retirement, Survivors, Disability Insurance (RSDI).
2. As of May 2025, Petitioner had no child support or dependent care expenses.
3. As of May 2025, Petitioner was responsible for \$[REDACTED] in monthly housing costs and a heating and/or cooling obligation; Petitioner was not responsible for internet expenses.
4. As of May 2025, MDHHS issued to Petitioner the standard medical deduction of \$165.
5. On May [REDACTED] 2025 MDHHS decreased Petitioner's FAP eligibility to \$42 beginning June 2025 after removing medical expenses for unspecified reasons.

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6. On July 15, 2025, Petitioner verbally requested a hearing to dispute FAP eligibility.
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### **CONCLUSIONS OF LAW**

The FAP [formerly known as the Food Stamp program] is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 7 USC 2036d. It is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers the FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3001 to R 400.3031. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner verbally requested a hearing to dispute a decrease in FAP benefits. Exhibit A, p. 4. A Notice of Case Action dated May 7, 2025, approved Petitioner for \$42 in FAP benefits beginning June 2025. Exhibit A, pp. 14-18.

FAP benefit amounts are determined by a client's net income. BEM 556 outlines the factors and calculations required to determine a client's net income. FAP net income is based on group size, countable monthly income, and relevant monthly expenses. MDHHS presented FAP budget documents listing most FAP eligibility factors and calculations. Exhibit A, pp. 12-13. A budget summary from the notice of decreased benefits also listed FAP budget factors. Exhibit A, p. 14. During the hearing, all relevant budget factors were discussed with Petitioner.

MDHHS factored a benefit group including only Petitioner. Petitioner did not dispute the group size of one person.<sup>1</sup>

It was not disputed that Petitioner received gross monthly RSDI of \$[REDACTED]. For FAP benefits, gross RSDI is countable. BEM 503 (January 2023) p. 29. MDHHS factored the same total unearned income in determining Petitioner's FAP eligibility.

MDHHS uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554 (January 2025) p. 1. For groups without a senior (over 60 years old), disabled or disabled veteran (SDV) member, MDHHS considers the following expenses: shelter expenses (housing and utilities) up to a capped amount, dependent care costs, and court-ordered child support and arrearages paid to non-household members (see *Id.*). An SDV group that has a verified one-time or ongoing medical expense(s) of more than \$35 for an SDV person(s) will receive the standard medical deduction (SMD) of \$165. *Id.*, p. 9. If the group has actual medical expenses which are more than the SMD, the group has the option to verify their actual expenses instead of receiving the SMD. *Id.*

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<sup>1</sup> See BEM 212 for policies in determining FAP benefit group size.

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It was not disputed that Petitioner had no dependent care or child support expenses. Medical expenses were disputed.

MDHHS presented budget documents from January through May 2025 listing monthly medical expenses for Petitioner of \$[REDACTED] Exhibit A, pp. 7-8. MDHHS contended that it updated Petitioner's 2025 RSDI income on May 7, 2025 which contributed to the decrease in FAP benefits; MDHHS also contended it properly removed Petitioner's medical expenses from the budget because previously budgeted medical expenses were wrongly characterized as ongoing.

Notably, MDHHS's own hearing summary stated that Petitioner previously reported ongoing medical expenses. Exhibit A, p. 1. Thus, by MDHHS's own admission, budgeted medical expenses were ongoing and presumably should not have been deleted.

MDHHS's hearing statements implied that Petitioner's previously budgeted medical expenses were not ongoing. In response, MDHHS was repeatedly asked what specific medical expenses were deleted so it could be determined if the expenses were properly removed from Petitioner's FAP eligibility after May 2025. MDHHS could not state with any certainty what expenses were budgeted. MDHHS inability to say what medical expenses were budgeted equates to a failure to justify the removal of expenses from the FAP budget.<sup>2</sup>

Given the evidence, MDHHS failed to establish it properly removed a \$[REDACTED] credit for medical expenses in Petitioner's FAP eligibility beginning June 2025. As a remedy, MDHHS will be ordered to reinstate the expenses beginning June 2025. For purposes of simplifying the remaining budget analysis, it will be accepted that Petitioner's medical expenses were \$0.

Petitioner's FAP benefit group size justifies a standard deduction of \$204 (see RFT 255). The standard deduction is given to all FAP benefit groups, though the amount varies based on the benefit group size. The standard deduction and countable non-shelter expenses are subtracted from the countable monthly income to calculate the group's adjusted gross income. Subtracting the standard deduction (\$204) and countable non-shelter expenses (\$0) from the group's countable income (\$[REDACTED]) results in an adjusted gross income of \$[REDACTED].

MDHHS credited Petitioner with monthly housing expenses of \$[REDACTED]. Petitioner did not allege additional housing expenses. MDHHS credited Petitioner with the standard heating/utility (h/u) credit of \$664. RFT 255 (October 2024) p. 1. Generally, the h/u

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<sup>2</sup> MDHHS repeatedly reference a request from July 2025 to verify petitioner's medical expenses. Exhibit A, pp. 9-11. A request for verification in July 2025 would not allow MDHHS to remove medical expenses on May 7, 2025 to impact FAP eligibility beginning June 2025.

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credit covers all utility expenses, except internet, and is the maximum credit available.<sup>3</sup> Petitioner did not allege having internet expenses. Petitioner's total shelter credits (housing + utilities) were \$[REDACTED]

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MDHHS only credits FAP benefit groups with an "excess shelter" expense. The expense is calculated by subtracting half of Petitioner's adjusted gross income from Petitioner's total shelter obligation. Petitioner's excess shelter expense is \$[REDACTED]

The FAP benefit group's net income is determined by subtracting the excess shelter expense from the group's adjusted gross income; doing so results in \$[REDACTED] in net income for Petitioner's group. A chart is used to determine the proper FAP benefit issuance.<sup>4</sup> RFT 260 (October 2024) pp. 1-5. Based on Petitioner's group size and net income, Petitioner's proper FAP issuance for June 2025 is \$42, when ignoring MDHHS's error in removing medical expenses.<sup>5</sup>

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly determined Petitioner's FAP eligibility. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

(1) Reprocess Petitioner's FAP eligibility beginning June 2025 subject to the finding that MDHHS improperly deleted Petitioner's medical expenses of \$[REDACTED] from ongoing eligibility;

(1) Issue notice and supplements, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.



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**CHRISTIAN GARDOCKI**  
**ADMINISTRATIVE LAW JUDGE**

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<sup>3</sup> MDHHS allows additional credits for "actual utility expenses". Such expenses are only allowed for utility installation charges, water well installation and maintenance, and septic installation and maintenance. BEM 554 (October 2019) p. 15. There was no evidence of applicable exceptions.

<sup>4</sup> FAP eligibility can also be calculated by multiplying the net income by 30% and subtracting the amount from the maximum FAP issuance for the group.

<sup>5</sup> It should be noted that it cannot be stated that Petitioner has verifiable medical expenses. The evidence only concluded that MDHHS failed in its burden to establish that it properly removed ongoing medical expenses.

**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  
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**Via Electronic Mail:**

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