



Date Mailed: September 5, 2025

Docket No.: 25-028685

Case No.: [REDACTED]

Petitioner: [REDACTED] [REDACTED]

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someone translate the document.**

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এটি একটি গুরুত্বপূর্ণ জাইনি ডকুমেন্ট। দয়া করে কেউ
দ্বারা অনুবাদ করুন।

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这是一份重要的法律文件。请让别人翻译文件。

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lутем, кини дикë та пëркtheni dokumentin.

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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 September 3, 2025. Petitioner participated and was represented. [REDACTED] of Samaritas participated as Petitioner's authorized hearing representative. The Michigan Department of Health and Human Services (MDHHS) was represented by Nicole Forsythe, supervisor, and Gabrielle Calloway-Dawson, specialist. Israel Figueroa of Linguistica International participated as a Spanish-English translator.

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. In May 2025, Petitioner was a recipient of FAP benefits as a group member with three other individuals; none of the individuals were over the age of 60 or disabled veterans. Petitioner's benefit period was certified through May 2025.
1. In May 2025, Petitioner received gross biweekly wages of \$ [REDACTED] and \$ [REDACTED]
2. As of May 2025, Petitioner's spouse received \$ [REDACTED] in gross monthly Supplemental Security Income (SSI).
3. As of May 2025, Petitioner paid \$ [REDACTED] for monthly housing expenses and had a responsibility for heating/cooling and internet.

4. As of May 2025, Petitioner's household had no child support, dependent care, or reported medical expenses.
5. On June █ 2025, MDHHS approved Petitioner for \$█ in FAP benefits beginning June 2025.
6. On August 4, 2025, Petitioner requested a hearing to dispute FAP eligibility.

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 requested a hearing to dispute a determination of FAP benefits. Exhibit A, pp. 3-5. A Notice of Case Action dated June █ 2025, approved Petitioner for \$█ in FAP benefits beginning June 2025.¹ Exhibit A, pp. 20-24.

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 documentation listing FAP eligibility factors and calculations. Exhibit A, p. 19. A budget summary from the approval notice also listed FAP budget factors. Exhibit A, p. 21. During the hearing, all relevant budget factors were discussed with Petitioner.

MDHHS factored a benefit group including Petitioner, her spouse, and two other persons. Petitioner agreed that MDHHS properly factored a FAP benefit group size of four persons.²

It was not disputed that Petitioner's spouse received SSI of \$█ For FAP, MDHHS is to count a gross SSI benefit. BEM 503 (January 2023) p. 34. Petitioner's group's countable unearned income totaled \$█

It was not disputed that Petitioner received ongoing biweekly wages. Wage documents dated May 13 and May 27, 2025, listed respective gross wages for Petitioner of \$█ and \$█ Exhibit A, pp. 16-17. For FAP benefits, MDHHS generally

¹ The approval notice sent to Petitioner was printed in Spanish.

² See BEM 212 for policies on determining group size for FAP benefits.

counts gross wages.³ BEM 501 (January 2024) p. 7. For FAP, MDHHS converts stable or fluctuating biweekly income to a monthly amount by multiplying the average income by 2.15. BEM 505 (October 2023) p. 8. Multiplying Petitioner's average biweekly wages by 2.15 results in a total gross monthly income of \$ [REDACTED] the same amount calculated by MDHHS. MDHHS issues a 20% credit for timely reported employment income. Multiplying the income by .8 results in countable wages of \$ [REDACTED] (dropping cents).⁴ Adding Petitioner's countable income to her spouse's unearned income results in a countable income total of \$ [REDACTED]

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.*

Petitioner acknowledged having no individuals in her household over 60. Presumably, her spouse who received SSI was disabled. Petitioner's testimony acknowledged she reported no medical expenses to MDHHS for her spouse on a recently submitted Semi Annual Contact Report. Petitioner also did not allege having child support or dependent care expenses. Petitioner's group's non-shelter expenses were \$0.

Petitioner's FAP benefit group size justifies a standard deduction of \$217 (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 (\$217) 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 credit covers all utility expenses, except internet, and is the maximum credit available.⁵

³ Exceptions to using gross wages include the following: earned income tax credits, flexible benefits, striker earnings, student disregards, and census worker earnings. BEM 501 (July 2017), p. 7. None of these exceptions apply to the present case.

⁴ Petitioner's AHR suggested that Petitioner experienced a recent reduction in wages. Petitioner's AHR was advised that the changes can be reported to MDHHS for an updated benefit determination.

⁵ 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.

MDHHS additionally credited Petitioner \$50 for an internet obligation. Petitioner's total shelter credits (housing + utilities) were \$ [REDACTED]

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 \$0.

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.⁶ RFT 260 (October 2025) pp. 1-5. Based on Petitioner's group size and net income, Petitioner's proper FAP issuance for June 2025 is \$ [REDACTED] the same FAP benefit calculated by MDHHS. The evidence established that MDHHS properly calculated Petitioner's FAP eligibility.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly determined Petitioner to be eligible for \$ [REDACTED] in FAP benefits beginning June 2025. The actions taken by MDHHS are **AFFIRMED**.



CHRISTIAN GARDOCKI
ADMINISTRATIVE LAW JUDGE

⁶ 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.

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.

Via Electronic Mail:

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Petitioner

[REDACTED]
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[REDACTED]

Authorized Hearing Rep

[REDACTED]
[REDACTED]
[REDACTED]