



**Date Mailed:** September 12, 2025  
**Docket No.:** 25-028798  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

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

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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**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 September 3, 2025. Petitioner appeared and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Remy Williams, Eligibility Specialist.

#### **ISSUE**

Did the Department properly calculate the amount of Petitioner's Food Assistance Program (FAP) benefits and determine her eligibility for Medical Assistance (MA) benefits?

#### **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 an ongoing recipient of FAP benefits. Petitioner was previously approved for FAP benefits in the monthly amount of \$446. Petitioner was previously receiving a housing expense, as she had reported to the Department that she was residing in a hotel.
2. On or around February 12, 2025, Petitioner reported to the Department that she was no longer residing in a hotel and that she moved to a new home. For an unknown reason, the Department did not update Petitioner's shelter/housing expenses when they were reported.
3. Petitioner is an ongoing recipient of MA and Medicare Savings Program (MSP) benefits. On an unverified date, Petitioner's MSP case was closed.
4. On or around June 25, 2025, the Department sent Petitioner a notice advising her that effective June 1, 2025, she was approved for full coverage MA and full coverage MSP benefits.
5. In July 2025, the Department instructed Petitioner to submit verification of her new shelter expenses including property taxes and home insurance. Because Petitioner did not submit any verification of her new shelter expenses, the old expense was

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removed from Petitioner's FAP budget, and the Department recalculated her FAP benefit eligibility.

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6. On or around July 24, 2025, the Department sent Petitioner a Notice of Case Action advising her that effective August 1, 2025, she was approved for FAP benefits in the amount of \$35. (Exhibit A, pp. 11-15)
7. On or around July 31, 2025, Petitioner requested a hearing disputing the amount of her FAP benefits and the Department's actions regarding her MA/MSP case.
8. At the hearing, Petitioner confirmed that she received a reimbursement of around █████ for her Medicare premiums that had been withheld. The Department presented an eligibility summary showing that Petitioner's MA and MSP benefits were reinstated. The evidence showed that the issue Petitioner requested a hearing to dispute has been resolved. Petitioner failed to identify any additional negative action taken with respect to her MA and MSP cases. Thus, the hearing request with respect to MA/MSP is **DISMISSED** for lack of jurisdiction. See BAM 600.

### 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 disputed the decrease in her FAP benefits to \$35 effective August 1, 2025. The Department presented a FAP EDG Net Income Results Budget which was thoroughly reviewed to determine if the Department properly calculated the Petitioner's FAP benefits in the amount of \$35. (Exhibit A, pp. 9-10).

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 (April 2022), pp. 1 – 5. The Department considers the gross amount of money earned from RSDI/Social Security in the calculation of unearned income for purposes of FAP budgeting. BEM 503 (April 2024), p. 29-35.

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The budget reflects unearned income of █████ which consisted of Petitioner's monthly RSDI/Social Security Disability benefits in the amount of █████ and RSDI benefits for Petitioner's granddaughter of █████ monthly. Petitioner confirmed that the amounts relied upon by the Department were correct. Thus, the Department properly calculated Petitioner's unearned income.

The deductions to income on the net income budget were also reviewed. Petitioner's FAP group includes a senior/disabled/veteran (SDV) member. BEM 550 (October 2024), pp. 1-2. Petitioner's FAP 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 expenses for the SDV member(s) that exceed \$35.
- An earned income deduction equal to 20% of any earned income.

BEM 554 (October 2024), p. 1; BEM 556 (October 2024), p. 1-8.

Petitioner's group did not have any earned income, thus, there was no applicable earned income deduction. There was no evidence presented that Petitioner had any out-of-pocket dependent care or child support expenses and therefore, the budget properly did not include any deduction for dependent care or child support. The budget also reflects a medical deduction of \$0. The Department asserted that no medical expenses were submitted for consideration. Upon review, the Department properly determined that Petitioner was ineligible for a medical deduction. Petitioner was advised that should she submit medical expenses, the Department would process the expenses and apply them to the medical deduction if applicable. The Department properly applied a standard deduction of \$204 which was based on Petitioner's confirmed group size of two. RFT 255 (October 2024), p. 1.

With respect to the calculation of the excess shelter deduction, the Department representative testified that it considered \$50 internet standard and the \$664 heat and utility standard, which covers all heat and utility costs including cooling expenses and is the maximum total utility and most beneficial standard available to the client. BEM 554, pp. 13-21; RFT 255, p.1. Petitioner confirmed that as of the hearing date, she had not submitted verification of her property taxes, home insurance, or land contract payment (if any) to the Department. The excess shelter deduction is calculated by subtracting 50% of the adjusted gross income from the total shelter amount. The Department determined that Petitioner's total shelter amount was █████ and 50% of her adjusted gross income of █████ was █████ Thus, the Department properly determined that Petitioner was eligible for an excess shelter deduction of \$0.

After further review, the Department properly determined Petitioner's income and took into consideration the appropriate deductions to income. Based on net income of

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██████ Petitioner's two person FAP group is eligible for \$35 in monthly FAP benefits. RFT 260 (October 2024), p.23.

### **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 calculated the amount of Petitioner's FAP benefits of \$35 for August 1, 2025, ongoing.

Accordingly, the hearing request with respect to MA is **DISMISSED** and the Department's FAP decision is **AFFIRMED**.



**ZAINAB A BAYDOUN**  
**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](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  
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**

WAYNE-CONNER-DHHS

4733 CONNER ST

DETROIT, MI 48215

**MDHHS-WAYNE-57-HEARINGS@MICHIGAN.GOV**

**Via First Class Mail:**

**Petitioner**

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