



Date Mailed: September 12, 2025
Docket No.: 25-029649
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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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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Docket No.: 25-029649

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; 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 hearing was held by telephone on September 10, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit eligibility effective July 1, 2025?

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 certified for ongoing FAP benefits from April 15, 2025 to March 31, 2026, for a two-person FAP group that included herself and her minor child. (Exhibit A, p. 20).
1. On [REDACTED] 2025, the Department received an application for FAP benefits and Child Development and Care (CDC) assistance from Petitioner. Petitioner reported that she was employed by [REDACTED] (Employer) an average of 30 hours per week and earned \$ [REDACTED] per hour, and had no other household income. (Exhibit A, pp. 29 – 35).
2. On July 22, 2025, the Department interviewed Petitioner. Petitioner reported that she worked 25 – 30 hours per week for Employer and earned \$ [REDACTED] per hour, reported that she also delivered for [REDACTED] (DD) approximately 10 hours per week, and she did not have any additional household income. (Exhibit A, pp. 36 – 43).
3. On July 22, 2025, the Department received verification of Petitioner's income from Employer and DD. The verification of income from Employer reflected the following gross earnings:

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- a. On June 20, 2025, \$ [REDACTED],
 - b. On June 27, 2025, \$ [REDACTED],
 - c. On July 4, 2025, \$ [REDACTED],
 - d. On July 11, 2025, \$ [REDACTED], and
 - e. On July 18, 2025, \$ [REDACTED].

(Exhibit A, pp. 11 – 16, 18).

4. On August 18, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that decreased Petitioner's FAP benefit to \$403 for July 2025; and closed Petitioner's FAP case effective August 1, 2025, due to excess gross income. The NOCA reflected that the Department determined Petitioner's monthly gross income was \$ [REDACTED]. (Exhibit A, pp. 23 – 25).
5. On August 18, 2025, the Department received a verbal request for hearing from Petitioner, disputing the Department's actions regarding her FAP benefits. (Exhibit A, pp. 3, 9 – 10).

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.

Petitioner requested a hearing to dispute the Department's actions regarding her FAP case. The Department decreased Petitioner's FAP benefit to \$403 for July 2025; and closed Petitioner's FAP case effective August 1, 2025, due to excess gross income.

A decrease in ongoing FAP benefits is a negative action; and generally, when the Department decreases the group's FAP benefits, it must send the group timely notice of the negative action. BAM 220 (June 2025), pp. 2 – 5. A timely notice is mailed at least 11 days before the intended negative action takes effect, and the Department's action is

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ended to provide the client a chance to react to the proposed negative action, such as to request a hearing. BAM 220, pp. 5, 13 – 14.

Each time the Department evaluates eligibility of a person and household for FAP benefits, it must first determine if the client has income below the applicable gross income limit based on their group composition and size. BEM 213 (October 2024), p. 1; BEM 212 (June 2025); BEM 500 (April 2022); BEM 550 (April 2025); RFT 250 (October 2024). The Department must consider all countable earned and unearned income of the household to determine the total gross income. BEM 500, pp. 1 – 5.

In this case, the Department notified Petitioner of two negative actions on August 18, 2025: a) a decrease in her July 2025 FAP benefit amount, and b) closure of her FAP case effective August 1, 2025, due to excess gross income.

There was no testimony or evidence offered to explain why the Department decreased Petitioner's FAP benefit for July 2025. Additionally, the Department failed to notify Petitioner until August 18, 2025, of the decrease effective July 1, 2025. Therefore, the Department failed to satisfy its burden that it acted properly when it decreased Petitioner's FAP benefits for July 2025.

With regard to the closure of Petitioner's FAP case effective August 1, 2025, the Department introduced a gross income test that reflected that the Department counted the following income when it completed Petitioner's gross income test:

- a. \$ [REDACTED] in self-employment income,
- b. \$ [REDACTED] in earned income, and
- c. \$ [REDACTED] in unearned income.

(Exhibit A, p. 22).

There was no dispute regarding the amount or source of the self-employment income the Department included in the gross income test.

The Department testified that it determined Petitioner's employment income from Employer based on four pay dates, specifically:

- a. July 11, 2025, in the amount of \$ [REDACTED],
- b. July 18, 2025, in the amount of \$ [REDACTED],
- c. July 25, 2025, in the amount of \$ [REDACTED], and
- d. August 1, 2025, in the amount of \$ [REDACTED].

However, there was no evidence that Petitioner provided the Department with paystubs for July 25, 2025, or August 1, 2025; and the Department did not clearly explain a) how it determined Petitioner had gross earnings of \$████ per week on those dates, or b) why it did not use Petitioner's June 27, 2025, and July 4, 2025 paystubs to complete the calculation.

Additionally, there was no evidence that Petitioner had any unearned income and Petitioner credibly testified that she did not have any unearned income. The Department could not explain why it budgeted any unearned income, or the amount, in its calculation of Petitioner's gross household income.

Because the Department failed to establish that it properly calculated Petitioner's earned income, and failed to establish that it properly included any unearned income in the gross income test, the Department did not establish that it properly determined Petitioner had excess gross income for FAP and closed her FAP case effective August 1, 2025.

DECISION AND ORDER

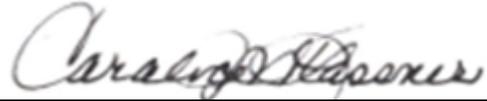
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it decreased Petitioner's FAP benefits for July 2025, and when it determined she had excess gross income and closed her FAP case effective August 1, 2025.

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for FAP benefits effective July 1, 2025 ongoing;
1. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, from July 1, 2025 ongoing; and

2. Notify Petitioner of its decision in writing.



CARALYCE M. LASSNER
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.



Via Electronic Mail:

Respondent

OAKLAND COUNTY DHHS - SOUTHFIELD DIST
25620 W 8 MILE RD
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Via First Class Mail:

Petitioner

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