



Date Mailed: September 11, 2025
Docket No.: 25-029657
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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Docket No.: 25-029657

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 himself. The Department of Health and Human Services (Department) was represented by Victoria Lewis, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility?

Did the Department properly determine Petitioner's Medicaid (MA) and Medicare Savings Program (MSP) 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. On [REDACTED] 2025, the Department received a completed application for FAP benefits and MA coverage from Petitioner. (Exhibit A, pp. 7 – 14).
1. Petitioner is homeless, a Medicare recipient, and receives Retirement, Survivors, and Disability Insurance (RSDI) income of \$[REDACTED] per month and no other income. (Exhibit A, pp. 7 – 15).
2. On July 1, 2025, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) that approved Petitioner for full coverage MA effective July 1, 2025, and denied Petitioner MSP for April 2025. (Exhibit A, pp. 23 – 24).
3. On July 11, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved him for FAP benefits of \$77 for the period of June 23, 2025 to June 30, 2025, and \$23 per month effective July 1, 2025 ongoing for his one-person FAP group. (Exhibit A, pp. 16 – 17).

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4. On August 8, 2025, the Department received a request for hearing from Petitioner, disputing the amount of his monthly FAP benefit, and his MA coverage. (Exhibit A, pp. 3 – 5).

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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Petitioner requested a hearing to dispute the amount of his monthly FAP benefit, and his MA coverage. The Department approved Petitioner for FAP benefits of \$77 for the period of June 23, 2025 to June 30, 2025, and \$23 per month effective July 1, 2025 ongoing for his one-person FAP group; full coverage MA effective July 1, 2025, and denied him MSP for the month of April 2025.

At the beginning of the hearing, Petitioner testified that his issue regarding his MA coverage and MSP assistance was resolved and requested to withdraw that portion of his request for hearing. The Department had no objection. Therefore, Petitioner's request for hearing as to MA and MSP was dismissed. The hearing proceeded to address Petitioner's concerns regarding FAP only.

To determine whether the Department properly calculated Petitioner's FAP benefit amount, the Department begins with the client's countable earned and unearned income. BEM 500 (April 2022), pp. 1 – 5. The gross amount of RSDI income is unearned income. BEM 503 (July 2025), pp. 30 – 32. In this case, there was no dispute that Petitioner's total monthly income was from RSDI in the amount of \$ [REDACTED].

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After countable income is calculated, the Department must determine which deductions are available to Petitioner. The Department testified, and Petitioner did not dispute, that he is considered a senior/disabled/veteran (SDV) household. BEM 550 (April 2025), pp. 1 – 2. Households with SDV members with unearned income may be eligible for the following deductions only:

- Standard deduction based on group size.
- Dependent care expense.
- Medical expense deduction for medical expenses of the SDV member in excess of \$35.
- Court ordered child support and arrearages paid to non-household members.
- Excess shelter deduction.

BEM 554 (June 2025) pp. 1, 11 – 13; BEM 556 (October 2024) pp. 4 – 6; RFT 255 (October 2024).

The Department introduced a budget to show how it determined Petitioner's FAP benefit amount. (Exhibit A, p. 27). The evidence established that Petitioner received a \$204 standard deduction from his countable income based on his one-person FAP group size. Petitioner testified that although he initially reported medical expenses on his application, he did not have any medical expenses or health insurance premiums in excess of \$35, dependent care expenses, or court ordered child support expenses; and the Department properly did not include deductions for those expenses. When the Department subtracted the \$204 standard deduction from Petitioner's total income of \$[REDACTED], it properly determined his adjusted gross income (AGI) was \$[REDACTED].

Next, the Department determines if Petitioner is eligible for an excess shelter deduction. To complete the excess shelter deduction calculation, the Department reviews Petitioner's housing and utility expenses, if any. Groups in which all members are homeless may choose to use either their actual shelter expenses to complete the excess shelter deduction calculation; or, if they have a shelter expense, a homeless shelter deduction of \$190. BEM 554, pp. 15 – 16; RFT 255 (October 2024).

The excess shelter deduction calculation is based on housing expenses and standard utility allowances. For a housing expense to be countable, the expense must be a continuing expense for: rent, mortgages and other housing fees, lot rental, or other payments including interest leading to ownership of the shelter occupied by the FAP group. BEM 554, p. 16. Once Petitioner's housing and allowable utility allowances have been determined, the Department must add those amounts together for a total shelter amount and then subtract 50% of Petitioner's AGI from the total shelter amount. BEM 556, pp. 5 – 6. This determines whether Petitioner is eligible for an excess shelter deduction and, if so, the amount of the deduction.

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Here, the Department testified that Petitioner did not have any allowable housing or utility expenses to consider for an excess shelter deduction. Although there was no dispute that Petitioner reported he incurred expenses when he rented a hotel room, he testified that he did not continuously rent a room at the time of his current application. Additionally, there was no dispute that Petitioner did not have a heat or utility expense, or receive a Low-Income Home Energy Assistance Payment (LIHEAP) of \$20.01 in the past twelve months. BEM 554, pp. 19, 24; RFT 255. Because Petitioner did not have any allowable shelter expenses, or receive a LIHEAP in the past year, Petitioner's total shelter amount was \$0, and he was not eligible for an excess shelter deduction.

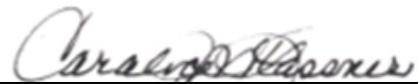
However, the Department testified, and Petitioner did not dispute, that Petitioner elected to use the homeless shelter deduction over his actual allowable shelter expense. The evidence established that the Department properly deducted the \$190 homeless shelter deduction from Petitioner's AGI of \$[REDACTED], and determined he had net income of \$[REDACTED].

Once the net monthly income has been determined under the FAP program, the Department determines what benefit amount Petitioner is entitled to, based on the group size, according to the Food Assistance Issuance Table found in RFT 260. Based on Petitioner's one-person FAP group size and net income of \$902, the Department properly determined Petitioner's monthly benefit amount of \$23 effective July 1, 2025. RFT 260 (October 2024), p. 13.

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 determined Petitioner's monthly FAP benefit amount effective July 1, 2025.

Accordingly, Petitioner's request for hearing regarding MA is **DISMISSED**, and the Department's decision regarding FAP is **AFFIRMED**.



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:

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