



**Date Mailed:** September 24, 2025

**Docket No.:** 25-030827

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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দ্বারা অনুবাদ করুন।

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Docket No.: 25-030827  
Case No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

### HEARING DECISION

On August 8, 2025, Petitioner [REDACTED] [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on September 23, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Assistance Payments Supervisor Terri Waterman appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 30-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

### ISSUE

Did the Department properly determine Petitioner's 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. Petitioner lives with her spouse and a child.
2. In August 2025, Petitioner began working for [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] Petitioner works 40 hours per week, [REDACTED]  
[REDACTED] pays Petitioner \$[REDACTED] per hour, and [REDACTED]  
[REDACTED] pays Petitioner biweekly.
3. Petitioner provided her first two paycheck stubs to the Department. The paychecks contained the following information:
  - a. July [REDACTED] 2025, paystub showed that [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] paid Petitioner \$[REDACTED] for 41 hours of work plus a \$[REDACTED] bonus.

b. August █ 2025, paystub showed that █ paid Petitioner \$█ for 80 hours of work.

4. The Department disregarded Petitioner's July █ 2025, paystub because it contained a bonus. The Department calculated Petitioner's monthly income from her employment at █ based on Petitioner's August █ 2025, paystub. The Department calculated that Petitioner's monthly income from her employment at █ was \$█

5. The Department determined that Petitioner was ineligible for FAP benefits based on her household income.

6. On August █ 2025, the Department mailed a notice of case action to Petitioner to notify her that she was ineligible for FAP benefits, effective September 1, 2025, because her net household income exceeded the applicable limit. The notice of case action stated that the Department determined Petitioner's FAP eligibility based on the following information:

- a. Group size of three.
- b. \$█ per month for earned income.
- c. \$204.00 per month for a standard deduction.

7. Petitioner then reported that she started paying a housing expense of \$█ per month and an internet expense.

8. The Department redetermined Petitioner's FAP eligibility, and the Department determined that Petitioner was still ineligible for FAP benefits based on her household income.

9. On August █ 2025, the Department mailed a notice of case action to Petitioner to notify her that she was ineligible for FAP benefits, effective September 1, 2025, because her net household income exceeded the applicable limit.

- a. Group size of three.
- b. \$█ per month for earned income.
- c. \$204.00 per month for a standard deduction.
- d. \$█ per month for a housing expense.
- e. \$50.00 per month for an internet deduction.

10. Petitioner requested a hearing to dispute the Department's decision.

## 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) 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 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, the Department determined that Petitioner was ineligible for FAP benefits based on her household income. Petitioner disagrees with the Department's determination. Thus, the issue is whether the Department properly determined that Petitioner was ineligible for FAP benefits.

FAP benefits are issued to households. 7 CFR 273.1. Eligibility for FAP benefits is based on household income. 7 CFR 273.9. In general, the income that each household member receives must be considered when the Department determines a household's eligibility for FAP benefits. When a household member receives earned income, the Department must convert the household member's earned income to a standard monthly amount. The Department starts by determining the household member's gross earned income based on the household member's income from the past 30 days (if it appears to accurately reflect what is expected to be received in the benefit month). BEM 505 (June 1, 2025), p. 6. The Department must discard all pay from the past 30 days that does not reflect the normal expected pay amounts. *Id.*

The Department properly determined that Petitioner's gross earned income was \$ [REDACTED] per month based on the information that Petitioner provided to the Department. Petitioner asserted that she was working 40 hours per week, and Petitioner asserted that her employer paid her \$ [REDACTED] per hour. Petitioner also provided a paycheck stub that showed that Petitioner received gross biweekly pay of \$ [REDACTED] for 80 hours at \$ [REDACTED] per hour. The Department properly determined that Petitioner's average gross biweekly pay was \$ [REDACTED]. Biweekly income is converted to a standard monthly amount by multiplying it by 2.15. *Id.* at 8-9. Thus, Petitioner's standard monthly gross income from her employment was \$ [REDACTED] (when rounded down).

The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income and then looking that information up in its applicable Food Issuance Table. BEM 212 (June 1, 2025), BEM 213 (October 1, 2024), BEM 550 (April 1, 2025), BEM 554 (June 1, 2025), BEM 556 (October 1, 2024), RFT 255 (October 1, 2024), and RFT 260 (October 1, 2024). Petitioner's group size was three, Petitioner's gross earned income was \$ [REDACTED]. Petitioner's housing expense

was \$ [REDACTED] per month, and Petitioner was responsible for an internet expense. Based on this information, Petitioner was only eligible for a standard deduction of \$204.00 per month. Thus, Petitioner's net household income was \$ [REDACTED] per month. Based on Petitioner's net household income of \$ [REDACTED] per month, the Department properly determined that Petitioner was ineligible for FAP benefits.

Although Petitioner may have additional expenses, and Petitioner may not have a net income of \$ [REDACTED] per month to live on, the Department properly determined Petitioner's FAP eligibility based on the maximum deductions and standards that it was permitted to use to determine Petitioner's FAP eligibility. If Petitioner's income or expenses change, Petitioner may report the changes to the Department, and the Department will redetermine Petitioner's FAP eligibility.

#### **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 its policies and the applicable law when it determined Petitioner's FAP eligibility.

**IT IS ORDERED** that the Department's decision is **AFFIRMED**.



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JEFFREY KEMM  
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](http://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.

**Via Electronic Mail:**

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