



**Date Mailed:** October 6, 2025

**Docket No.:** 25-032550

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]



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

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**Case No.:** [REDACTED]

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### **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 October 2, 2025. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Remy Williams, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case due to excess income?

### **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 a [REDACTED] year old unmarried individual.
1. Effective August 1, 2025, Petitioner was an ongoing recipient of FAP benefits of \$292 per month for a one-person group. (Exhibit A, p. 8).
2. On August 22, 2025, the Department received a completed Verification of Employment (VOE) and current paystubs from Petitioner. The paystubs reflected that Petitioner returned to work for [REDACTED] (Employer) on June 2, 2024, earns \$[REDACTED] per hour, works an average of 40 hours per week, and is paid bi-weekly. Specifically, Petitioner had gross earnings of:
  - a. \$[REDACTED] on June 23, 2025 (Pay 1), for 72 hours worked,
  - b. \$[REDACTED] on July 7, 2025, for 88 hours worked,
  - c. \$[REDACTED] on July 21, 2025, for 80 hours worked (Pay 2),
  - d. \$[REDACTED] on August 4, 2025, for 80 hours worked, and
  - e. \$[REDACTED] on August 18, 2025, for 80 hours worked.

(Exhibit A, pp. 9 – 16).

3. On August 28, 2025, the Department received a request for hearing from Petitioner, disputing the closure of his FAP case. (Exhibit A, pp. 4 – 6).
4. On September 4, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that informed Petitioner his FAP case would close effective October 1, 2025, due to excess gross income. The NOCA reflected monthly income of \$ [REDACTED] and a monthly FAP income limit of \$1,632. (Exhibit A, pp. 18 – 19).

### **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 closure of his FAP case. The Department closed Petitioner's FAP case effective October 1, 2025, due to excess gross income.

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income and must consider all countable earned and unearned income available to the Petitioner. BEM 500 (April 2022), pp. 1 – 5. The calculation of earned income begins with gross income, which is the amount of income before any deductions such as taxes, insurance premiums, and child support payments. BEM 500, pp. 4 – 5. For purposes of FAP, wages from employment are counted as earned income and may be prospected. BEM 501 (October 2025), pp. 6 – 7. Prospective income is income not yet received, but expected, and is based on the past 30 days when that income appears to accurately reflect what is expected to be received in the benefit month. BEM 505 (June 2025), pp. 1, 6 – 7. For FAP, the Department must convert income that is received more often than monthly into a standard monthly amount and the average of bi-weekly amounts is multiplied by 2.15. BEM 505, pp. 8 – 9.

In this case, Petitioner was temporarily off work for a period of time, and on August 22, 2025, the Department received a) verification that Petitioner had returned to

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work, and b) current paycheck stubs from him. The Department testified that it used Petitioner's June 23, 2025 (Pay 1) and July 21, 2025 (Pay 2), paystubs to determine his standard monthly income; and disregarded his July 7, 2025 paystub because it included overtime pay. The Department further testified that when it converted Petitioner's gross income from Pay 1 and Pay 2 into a standard monthly amount, it determined he had \$[REDACTED] in standard monthly earned income effective October 1, 2025, which was in excess of the gross income limit for FAP eligibility for a one-person FAP group.

Petitioner confirmed that he is the only member of his household, typically works 40 hours per week, and has gross earnings of \$[REDACTED] per bi-weekly pay period. A review of the evidence established that based on Petitioner's gross pay on Pay 1 and Pay 2, the Department properly determined that Petitioner's standardized monthly earned income was \$[REDACTED]. BEM 505, pp. 1, 8. The evidence also established that if the Department had utilized Petitioner's August 2025 income, Petitioner's standardized monthly earned income would have been more than \$[REDACTED].

The highest monthly gross income limit for a one-person FAP group is the categorical income limit of \$2,610, which is 200% of the federal poverty level (FPL). BEM 213 (October 2024), p. 1; RFT 250 (October 2025). Households with gross income above the limit, such as Petitioner, are not categorically eligible for FAP benefits. BEM 213, p. 1; RFT 250. There was no dispute that Petitioner is under [REDACTED] years of age, and he testified that he has not been determined disabled under a state or federal program or been certified for state or federal disability benefits. Thus, Petitioner is not a Senior, Disabled, or Disabled Veteran (SDV) FAP group.

A non-categorically eligible, non-SDV FAP group must have income below the gross and net income limits to qualify for FAP benefits. BEM 550 (April 2025), p. 1. The monthly gross income limit for a one-person, non-categorically eligible, non-SDV FAP group, is 130% of the FPL, which is \$1,632. 7 CFR 273.9(a); RFT 250.

Although Petitioner disputed that the Department determined his FAP eligibility based on his gross income and did not consider his ongoing expenses and obligations, the Department acted in accordance with Department policy and federal regulations when it did so. Therefore, because Petitioner's gross income of \$[REDACTED] was more than the applicable gross income of \$[REDACTED] for FAP eligibility, the Department properly determined that Petitioner had excess income and closed his FAP case effective October 1, 2025.

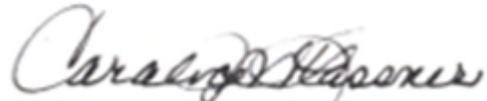
It is noted that Petitioner testified that his income or employment may change in the future. Petitioner was advised that if his circumstances change, he may reapply for FAP benefits at that time.

### **DECISION AND ORDER**

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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 had excess gross income for FAP benefits for a one-person FAP group and closed his FAP case effective October 1, 2025.

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



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**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](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

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