



Date Mailed: October 15, 2025
Docket No.: 25-033620
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.: 25-033620

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 October 13, 2025. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Sunshine Simonson, Eligibility Specialist. Translation services were provided by Gehad Helmy, an independent English-Arabic translator engaged by the Department.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount effective October 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. As of September 1, 2025, Petitioner was an ongoing recipient of FAP benefits of \$1,264 per month for an eight-person FAP group. The FAP group included Petitioner; his wife, [REDACTED] (Spouse); [REDACTED]-year-old Huda (Child); and other family members. (Exhibit A, p. 7).
1. Spouse is employed by [REDACTED] (TLL), and [REDACTED] (NPE). She earns \$[REDACTED] per month in gross income from TLL, and \$[REDACTED] per week in gross income from NPE. (Exhibit B, pp. 1 – 8).
2. Child receives Supplemental Security Income (SSI) of \$[REDACTED] per month. (Exhibit A, p. 8).
3. Effective August 1, 2025, Petitioner began receiving SSI of \$[REDACTED] per month. (Exhibit A, p. 8).
4. Petitioner and Child also each receive \$[REDACTED] per quarter, equal to \$[REDACTED] per month, in State SSI Payments (SSP).

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5. On August 26, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that decreased his monthly FAP benefit to \$823 per month effective October 1, 2025, based on \$ [REDACTED] in earned income and \$ [REDACTED] in unearned income. (Exhibit A, pp. 15 – 17).
 6. On September 11, 2025, the Department received a request for hearing from Petitioner, disputing the decrease of his monthly FAP benefit. (Exhibit A, pp. 3 – 4).
 7. On September 19, 2025, the Department sent Petitioner a NOCA that increased his monthly FAP benefit to \$850 per month effective October 1, 2025, based on \$ [REDACTED] in earned income and \$ [REDACTED] in unearned income, and adjustments to deductions based on annual revisions to Department policy and standards. (Exhibit A, pp. 20 – 21).

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 amount of his monthly FAP benefit. On August 26, 2025, the Department decreased Petitioner's FAP benefits to \$823 per month effective October 1, 2025, based on an increase in Petitioner's household income when he began receiving SSI and SSP.

As a preliminary matter, although the Department initially decreased Petitioner's FAP benefits on August 26, 2025, the Department subsequently increased Respondent's benefits to \$850 per month effective October 1, 2025, based on changes to Department policy. Because both actions of the Department were taken prior to, and effective on, October 1, 2025, the focus of the hearing was the NOCA issued September 19, 2025.

A group's benefits for a month are based, in part, on the group's income, and when the Department becomes aware of a change in income that will affect eligibility or benefit level, the Department must complete a budget calculation. BEM 505 (June 2025), pp. 1, 10. To calculate Petitioner's FAP benefit amount, the Department must consider all countable earned and unearned income available to Petitioner. BEM 500 (April 2022), pp. 1 – 5.

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For purposes of FAP, the gross amounts of SSI and SSP income are countable unearned income, and the gross amounts of wages from employment are earned income and may be prospected. BEM 501 (October 2025), pp. 6 – 7; BEM 503 (October 2025), pp. 36 – 38. 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, pp. 1, 3 – 4, 6 – 7. For the purposes of FAP, the Department must convert income that is received more often than monthly into a standard monthly amount and the average of weekly amounts is multiplied by 4.3. BEM 505, pp. 8 – 9.

Here, Petitioner began receiving SSI of \$967 per month in August 2025. There was no dispute that Child has been an ongoing recipient of SSI of \$[REDACTED] per month. The Department testified, and Petitioner did not dispute, that he and Child will each receive \$[REDACTED] per quarter of SSP; which is budgeted in the amount of \$[REDACTED] per month. BEM 503, p. 37. Based on the foregoing, the evidence established that the Department properly determined the FAP group's total countable unearned income was \$[REDACTED] per month.

In addition to the FAP group's unearned income, there was also no dispute that Spouse earns income from two sources, TLL and NPE. The evidence established that Spouse's income from TLL is paid monthly in the amount of \$[REDACTED]. Petitioner testified, and the evidence confirmed that Spouse works 25 hours per week for NPE. Although Petitioner testified that Spouse earns \$[REDACTED] per hour at NPE, the evidence established that she earns \$[REDACTED] per hour; and she has had gross earnings of \$[REDACTED] per week since May 16, 2025, with the exception of two weeks during which she worked 20 hours and 23 hours each. (Exhibit B, p. 8).

A review of the evidence established that when Spouse's gross pay of \$[REDACTED] per week from NPE is converted into a standard monthly amount for FAP, her countable income from NPE is \$[REDACTED]. When her standardized monthly income from NPE is added to her monthly income from TLL, Spouse's total countable earned income is more than the \$[REDACTED] budgeted by the Department. However, because the Department's calculation is more favorable to Petitioner, it will stand.

The Department introduced a budget for October 1, 2025, to show how it determined Petitioner's FAP benefit amount when it issued the September 19, 2025 NOCA. (Exhibit A, pp. 12, 14). A review of the budget established that the Department added the FAP group's total earned and unearned income together and properly determined the group's total countable income was \$[REDACTED].

After countable income is calculated, the Department must determine which deductions are available to Petitioner. Because Petitioner and Child are disabled, the FAP group is considered a senior/disabled/veteran (SDV) household. BEM 550 (April 2025), pp. 1 – 2. Households with SDV members and earned and unearned income may be eligible for the following deductions:

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- A 20% earned income deduction.
 - 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 (October 2025) p. 1; BEM 556 (October 2025) pp. 3 – 6.

There was no dispute that Petitioner was entitled to, and received, a \$299 standard deduction from the countable income based on his eight-person FAP group size. BEM 550, p. 1; RFT 255 (October 2025). The budget also reflected that the Department properly deducted 20% from the budgeted earned income in the amount of \$420. There was no evidence that Petitioner reported any medical expenses or health insurance premiums in excess of \$35 for himself or Child, or any dependent care or child support expenses, and no deductions for those expenses were reflected on the budget.

Next, the Department determines any excess shelter expense deduction. To start, the Department must first calculate an adjusted gross income (AGI) for Petitioner by subtracting the earned income deduction, standard deduction, dependent care expenses, medical expenses for SDV members, and court ordered child support payments made by a member of the group from the countable income. Based on the group's total countable income of \$██████, minus the earned income deduction of \$420 and standard deduction of \$299, the only deductions Petitioner was eligible for, Petitioner's AGI was \$██████.

To complete the excess shelter deduction calculation, the Department reviews Petitioner's housing and utility expenses, if any. There was no dispute that Petitioner had a housing expense of \$1,200 per month and was responsible for payment of heat and other utilities. (Exhibit A, p. 14). When a FAP group has heating and other utility expenses, separate from the mortgage or rent payment, it is entitled to a heat and utility (h/u) standard amount to be included in the calculation of the excess shelter deduction, which is the highest amount available to FAP groups who pay utilities. BEM 554, p. 17. Effective October 1, 2025, the h/u standard amount is \$682. RFT 255 (October 2025). The evidence established the Department properly budgeted Petitioner's housing expense and used the h/u standard amount for Petitioner's excess shelter expense calculation.

Once Petitioner's housing and utility expenses 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 to determine Petitioner's excess shelter deduction. BEM 556, pp. 5 – 6. Here, the total of Petitioner's monthly housing of

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\$1,200 and the h/u standard of \$682 was \$1,882. When 50% of Petitioner's \$ [REDACTED] AGI, in the amount of \$ [REDACTED], was subtracted from the total shelter amount of \$1,882, Petitioner's excess shelter deduction was \$212, and the Department properly budgeted that deduction.

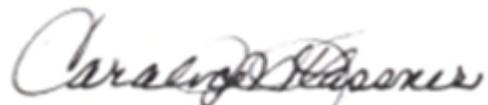
When Petitioner's excess shelter deduction of \$212 was subtracted from his AGI of \$ [REDACTED], Petitioner's net income was \$ [REDACTED]. The Department's calculations were made consistent with policy.

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 eight-person FAP group size and net income of \$ [REDACTED], the Department properly determined Petitioner's monthly benefit amount of \$850 for October 1, 2025 ongoing. RFT 260 (October 2025), p. 43.

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 FAP benefit amount on September 19, 2025, effective October 1, 2025.

Accordingly, the Department's decision 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:

Respondent

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Via First Class Mail:

Petitioner

[REDACTED]
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