



Date Mailed: October 23, 2025
Docket No.: 25-033630
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[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.: 25-033630

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; 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 via telephone conference on October 13, 2025. Petitioner appeared for the hearing and represented himself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Andrea Walker, Eligibility Specialist.

ISSUE

Did the Department properly calculate the amount of Petitioner's Food Assistance Program (FAP) benefits?

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 an ongoing recipient of FAP benefits. Petitioner was previously approved for FAP benefits in the amount of \$292 monthly.
2. The Department obtained information indicating that Petitioner began receiving unearned income from Unemployment Compensation Benefits (UCB).
3. On or around September 6, 2025, the Department sent Petitioner a Notice of Case Action advising him that effective October 1, 2025, he was approved for FAP benefits of \$24 monthly. (Exhibit A, pp. 6-10)
4. On or around September 12, 2025, Petitioner verbally requested a hearing disputing the decrease in his FAP allotment beginning October 1, 2025. (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.

In this case, Petitioner requested a hearing disputing the decrease in his FAP benefits to \$24 effective October 1, 2025. The Department representative testified that Petitioner's FAP benefits were decreased because he began receiving unearned income from UCB which was required to be included in the FAP budget. The Department presented a FAP EDG Net Income Results Budget which was thoroughly reviewed to determine if the Department properly calculated the Petitioner's FAP benefits in the amount of \$24. (Exhibit B).

All countable earned and unearned income available to the client must be considered in determining a client's eligibility for program benefits and group composition policies specify whose income is countable. BEM 500 (April 2022), pp. 1 – 5. For unearned income from UCB, the Department will count the gross amount and convert it to a standard monthly amount. BEM 503 (October 2025), pp. 39; BEM 505 (June 2025). A standard monthly amount must be determined for each income source used in the budget. BEM 505, pp. 8-9. Income received biweekly is converted to a standard amount by multiplying the average of the biweekly pay amounts by the 2.15 multiplier. BEM 505, pp. 7-9. Income received weekly is converted to a standard monthly amount by multiplying the average of the weekly pay amounts by the 4.3 multiplier. BEM 505, pp. 7-9.

The budget reflects unearned income of ██████ which consists of Petitioner's monthly unearned income from UCB. Specifically, the Department relied on information obtained through the consolidated inquiry and considered Petitioner's weekly gross UCB of ██████ (Exhibit A, pp. 11-14). Although Petitioner asserted that a portion of his UCB is deducted for taxes and child support, Petitioner confirmed the gross weekly amount is ██████. Thus, when converted to a standard monthly amount, Petitioner's unearned income from UCB is ██████ and therefore, was properly calculated.

The deductions to income on the net income budget were also reviewed. BEM 550 (October 2024), pp. 1-2. Petitioner's FAP group is eligible for the following deductions to income:

- Dependent care expense.
- Excess shelter.
- Court ordered child support and arrearages paid to non-household members.

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- Standard deduction based on group size.
 - An earned income deduction equal to 20% of any earned income.
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BEM 554 (October 2025), p. 1; BEM 556 (October 2025), p. 1-8.

Petitioner's group did not have any earned income; thus, there was no applicable earned income deduction. There was no evidence presented that Petitioner had any out-of-pocket dependent care expenses and therefore, the budget properly did not include any deduction for dependent care. The Department properly applied a standard deduction of \$204 which was based on Petitioner's confirmed group size of one. RFT 255 (October 2024), p. 1.

Child support expenses are allowed for (i) the amount of court-ordered child support and arrearages paid by the household members to non-household members in the benefit month, (ii) court-ordered third party payments (landlord or utility company) on behalf of a non-household member, and (iii) legally obligated child support paid to an individual or agency outside the household for a child who is now a household member, provided the payments are not returned to the household. BEM 554, p. 6. The Department will not allow more than the legal obligation if the client is up to date on their child support payments. However, if the client is behind and making arrearage payments, the Department will allow the total amount paid even if it exceeds the court-ordered amount. Current and arrearage child support expenses must be paid to be allowed. BEM 554, pp.6-7.

The budget shows a child support deduction of [REDACTED] which the Department testified was calculated using information verified through the consolidated inquiry. (Exhibit A, pp. 15). Specifically, the Department testified that it considered the three-month average of Petitioner's child support payments for the months of July 2025, August 2025, and September 2025. Although the Department presented the consolidated inquiry for review, the Department did not identify the exact amounts considered and whether it considered the current payment, arrears, or both in the calculation of the child support deduction. Upon review of the consolidated inquiry and based on total of the current and arrears identified for the months of July, August, and September 2025, the average of Petitioner's child support is higher than that determined by the Department. Thus, because the Department could not sufficiently explain how it calculated Petitioner's child support deduction, the Department failed to show that Petitioner was eligible for a deduction of [REDACTED]

With respect to the calculation of the excess shelter deduction, the Department representative testified that it considered \$200 in monthly rent and the \$31 telephone standard. Petitioner confirmed that his rent of \$200 includes all utilities such as heating, electric, and water expenses. Thus, the Department properly only considered monthly rent and the telephone standard. BEM 554, pp. 13-21; RFT 255, p.1.

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After further review, although the Department properly calculated Petitioner's unearned income and properly considered the standard deduction, as well as Petitioner's housing/utility expenses, because of the errors identified above with respect to the calculation of Petitioner's child support deduction, the Department failed to establish that it properly calculated Petitioner's FAP benefits of \$24 effective October 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 calculated Petitioner's FAP benefits effective October 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. Recalculate Petitioner's FAP budget for October 1, 2025, ongoing;
2. Issue FAP supplements to Petitioner for any benefits he was eligible to receive but did not from October 1, 2025, ongoing, in accordance with Department policy; and
3. Notify Petitioner in writing of its decision.



ZAINAB A BAYDOUN
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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