



**Date Mailed:** October 23, 2025  
**Docket No.:** 25-033811  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

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

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

**Date Mailed:** October 23, 2025

**Docket No.:** 25-033811

**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 herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Shaton Mason, Eligibility Specialist.

### **ISSUE**

Did the Department properly calculate the amount of Petitioner's Food Assistance Program (FAP) benefits and determine her eligibility for Child Development and Care (CDC) 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.
2. Petitioner was approved for FAP benefits in the monthly amount of \$23 for July 2025.
3. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was due for review. The Department asserted that Petitioner failed to timely return the redetermination and as a result, a notice of potential FAP case closure was issued, advising that her FAP case would potentially close effective August 1, 2025.
4. The Department asserted that on or around [REDACTED] 2025, Petitioner submitted an assistance application in lieu of the redetermination. In connection with the application, the Department issued a verification checklist, instructing Petitioner to submit requested verifications.
5. On or around September 12, 2025, Petitioner requested a hearing disputing the Department's actions with respect to the FAP and CDC cases. In her hearing

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request, Petitioner indicates that she is requesting more FAP benefits than \$23 monthly.

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6. As of the October 13, 2025, hearing date, an eligibility decision regarding the assistance application and Petitioner's FAP eligibility for August 2025, ongoing, had not been made.
7. At the hearing, Petitioner confirmed that the issue she requested a hearing to dispute with respect to her CDC benefits has been resolved. Petitioner confirmed that the Department corrected the actions by reinstating her CDC case and approving her for ongoing CDC benefits. The request for hearing regarding CDC benefits was withdrawn. Thus, the hearing request with respect to CDC is DISMISSED for lack of jurisdiction. See BAM 600.

### **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 Department's actions with respect to her FAP benefits. There was some discussion during the hearing regarding the Department's processing of Petitioner's ██████████ 2025, assistance application in lieu of the redetermination. However, because, as of the hearing date, an eligibility decision had not been made and the Department had not completed the reprocessing of the application by either approving or denying, the merits of the Department's action will not be addressed. Petitioner is advised that should she dispute any subsequent denial notice issued as it relates to the FAP application or her FAP benefits for August 2025, ongoing, she is entitled to request a new hearing, as that will be considered a subsequent negative action. See BAM 600 (July 2025), pp. 1-8.

Petitioner raised concerns regarding the Department's determination that she was eligible for \$23 in FAP benefits for the month of July 2025. 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 \$23. (Exhibit B).

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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. An employee's wages include salaries, tips, commissions, bonuses, severance pay, and flexible benefit funds not used to purchase insurance. The Department counts gross wages in the calculation of earned income. BEM 501 (January 2024), pp. 6-7. The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Prospective income is income not yet received but expected. BEM 505 (October 2023), pp. 1-2. In prospecting income, the Department is required to use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month, discarding any pay if it is unusual and does not reflect the normal, expected pay amounts. BEM 505, pp. 5-6. A standard monthly amount must be determined for each income source used in the budget. BEM 505, pp. 7-8. 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. The Department considers the gross amount of money earned from RSDI/Social Security benefits in the calculation of unearned income for purposes of FAP budgeting. BEM 503 (April 2024), p. 29-35.

The budget reflects earned income of [REDACTED] which the Department representative testified consists of Petitioner's biweekly earnings from employment. Specifically, the Department representative testified that Petitioner's pay stubs reflected gross pay of [REDACTED] on May 23, 2025; [REDACTED] on June 6, 2025; [REDACTED] on June 20, 2025; and [REDACTED] on July 4, 2025. Petitioner confirmed that the gross earnings were correct. Upon review, when converted to a standard monthly amount, and based on the paystubs identified by the Department, Petitioner's earned income is actually higher than the [REDACTED] calculated by the Department. The Department's error in this calculation is to the benefit of Petitioner and is unlikely to impact Petitioner's FAP benefit eligibility, based on the net income benefit issuances outlined in RFT 260.

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.
- Standard deduction based on group size.
- An earned income deduction equal to 20% of any earned income.

BEM 554 (October 2024), p. 1; BEM 556 (October 2024), p. 1-8.

The budget reflects an earned income deduction of \$575 which is 20% of the earned income of [REDACTED] and which was properly determined. There was no evidence presented that Petitioner had any out-of-pocket dependent care or child support

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expenses and therefore, the budget properly did not include any deduction for dependent care or child support. The Department properly applied a standard deduction of \$204 which was based on Petitioner's confirmed group size of two. RFT 255 (October 2024), p. 1.

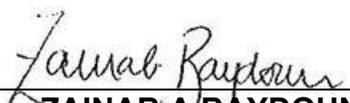
With respect to the calculation of the excess shelter deduction, the Department representative testified that at the time the budget was completed, Petitioner had \$0 in reported housing expenses and was not responsible for any heat or utility costs. Thus, the Department only applied the individual \$30 telephone standard. BEM 554, pp. 13-21; RFT 255, p.1. Petitioner testified that she was previously living with family members and would pay \$150-\$200 a month towards rent and/or her share of utility costs. While Petitioner testified that she verbally informed the Department of this expense, Petitioner did not submit any written verification of the expense and did not identify the date in which her verbal report was made. The Department reviewed Petitioner's case file and stated that there was no record of Petitioner having previously reported a housing expense of \$150-\$200. Thus, the Department properly omitted housing and other utility expenses from the excess shelter deduction. The excess shelter deduction is calculated by subtracting 50% of the adjusted gross income from the total shelter amount. The Department determined that Petitioner's total shelter amount was \$30 and 50% of her adjusted gross income of [REDACTED] was [REDACTED]. Thus, the Department properly determined that Petitioner was eligible for an excess shelter deduction of \$0.

After further review, the Department properly determined Petitioner's income and took into consideration the appropriate deductions to income. Based on net income of [REDACTED] Petitioner's two person FAP group is eligible for \$23 in monthly FAP benefits. RFT 260 (October 2024), p.29.

### **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 calculated the amount of Petitioner's FAP benefits of \$23.

Accordingly, the hearing request with respect to CDC is **DISMISSED** and the Department's FAP decision is **AFFIRMED**.

  
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**ZAINAB A BAYDOUN**  
**ADMINISTRATIVE LAW JUDGE**

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**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

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.

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**Via**

**Electronic Mail:**

**Respondent**

WAYNE-GRANDMONT-DHHS

17455 GRAND RIVER AVE

DETROIT, MI 48227

**MDHHS-WAYNE-31-GRANDMONT-HEARINGS@MICHIGAN.GOV**

**Via**

**First Class Mail:**

**Petitioner**

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