



**Date Mailed:** October 20, 2025

**Docket No.:** 25-034130

**Case No.:** [REDACTED]

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

[REDACTED]  
[REDACTED]  
[REDACTED]

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

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Docket No.: 25-034130  
Case No.: [REDACTED]  
Petitioner: [REDACTED]

### HEARING DECISION

On September 15, 2025, Petitioner [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on October 14, 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 Family Independence Manager Becky Fraser appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 71-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. On July [REDACTED] 2025, Petitioner applied for FAP benefits. In Petitioner's application, Petitioner reported the following information:
  - a. Her household was composed of herself and her two children.
  - b. Petitioner received \$[REDACTED] weekly for child support for one child, and Petitioner received \$[REDACTED] biweekly for child support for the other child.
  - c. Petitioner was laid off from her job at [REDACTED] [REDACTED] on July 1, 2025, and Petitioner was pursuing unemployment benefits.
  - d. Petitioner was paying \$[REDACTED] weekly for childcare.

e. Petitioner was paying \$ [REDACTED] monthly for a mortgage.

f. Petitioner was responsible for paying for her heating/cooling utilities.

2. On July [REDACTED] 2025, Petitioner filed a claim for unemployment benefits. Petitioner established a claim with a weekly benefit amount of \$ [REDACTED]

3. On July [REDACTED] 2025, the Department interviewed Petitioner to obtain additional information to determine her FAP eligibility.

4. On July [REDACTED] 2025, the Department mailed a notice of case action to Petitioner to notify Petitioner that she was ineligible for FAP benefits from July 7, 2025, through July 31, 2025, and she was eligible for a FAP benefit of \$ [REDACTED] per month thereafter. The Department determined that Petitioner was ineligible for FAP benefits for July 2025 because her household income exceeded the limit. The Department determined Petitioner's FAP benefit based on the following information:

- a. Group size of three
- b. Unearned income of \$ [REDACTED] per month
- c. Standard deduction of \$204.00 per month
- d. Internet deduction of \$50.00 per month
- e. Housing cost of \$ [REDACTED] per month
- f. Heat/utility standard of \$664.00 per month

5. On August [REDACTED] 2025, Petitioner received her first unemployment benefit payment. Petitioner received a gross benefit payment of \$ [REDACTED] for two weeks.

6. On August [REDACTED] 2025, Petitioner received a gross unemployment benefit payment of \$ [REDACTED] for two weeks.

7. On August [REDACTED] 2025, the Department reviewed Petitioner's case and determined that Petitioner was erroneously included in the FAP group when the Department determined Petitioner's FAP eligibility. The Department determined that Petitioner should have been disqualified for quitting her job without good cause. The Department updated Petitioner's case and initiated the process to redetermine Petitioner's FAP eligibility.

8. On August 29, 2025, Petitioner began working part time at [REDACTED].

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

10. On September 5, 2025, Petitioner received her initial paycheck from █. Petitioner received gross pay of \$█.

11. On September 6, 2025, Petitioner received a gross unemployment benefit payment of \$█ for two weeks.

12. On September 12, 2025, Petitioner received gross pay of \$█ from █.

13. Petitioner requested a hearing to dispute the Department's decision to find her ineligible for FAP benefits.

14. Petitioner notified the Department that she was paying \$█ weekly for childcare.

15. On September █ 2025, Petitioner notified the Department that she obtained employment at █.

16. On September █ 2025, the Department reviewed Petitioner's case and determined that Petitioner should have been included in the FAP group when the Department determined Petitioner's FAP eligibility. The Department determined that Petitioner should not have been disqualified for quitting her job because she had good cause for quitting her job. The Department updated Petitioner's case and initiated the process to redetermine Petitioner's FAP eligibility.

17. On September 19, 2025, Petitioner received gross pay of \$█ from Cabela's.

18. The Department redetermined Petitioner's FAP eligibility and determined that Petitioner was ineligible for FAP benefits based on her household income. The Department determined Petitioner's FAP eligibility based on the following information:

- a. Group size of three
- b. Earned income of \$█ per month
- c. Unearned income of \$█ per month
- d. Standard deduction of \$209.00 per month
- e. Housing cost of \$█ per month
- f. Heat/utility standard of \$682.00 per month

19. On September █ 2025, Petitioner received a gross unemployment benefit payment of \$█ for two weeks. Petitioner's weekly unemployment benefit decreased to \$█ due to her earnings from █.
20. Petitioner is disputing the Department's decision to find her ineligible for FAP benefits.

### **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.

For the month of July 2025, the Department determined that Petitioner was ineligible for FAP benefits because her household income exceeded the limit. The Department did not present sufficient evidence to establish that Petitioner's household income exceeded the limit for the month of July 2025. Based on the evidence presented, Petitioner's only income was \$█ for child support. Petitioner received \$█ weekly for one child, which equals \$█ per month when multiplied by 4.3 to convert it to a standard monthly amount in accordance with BEM 505 (June 1, 2025), p. 8. Petitioner received \$█ biweekly for her other child, which equals \$█ per month when multiplied by 2.15 to convert it to a standard monthly amount in accordance with BEM 505, p. 8. Thus, Petitioner's total child support income was \$█ per month. Petitioner's child support income alone did not cause Petitioner's household income to exceed the limit. However, Petitioner informed the Department that she received a severance, so it is possible that Petitioner received a severance that caused her household income to exceed the limit. The Department must redetermine Petitioner's FAP eligibility for July 2025. In doing so, the Department must:

- Use a group size of three
- Budget \$█ for child support income
- Budget \$█ for a housing cost
- Apply a \$204.00 standard deduction
- Apply a \$664.00 heat/utility standard

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- Apply a \$50.00 internet deduction

If the Department determines that additional income should be budgeted for July 2025, the Department must include an explanation of the additional budgeted income with its budget. If the Department does not determine that additional income should be budgeted for July 2025, then the Department must find Petitioner eligible for a prorated FAP benefit for July 5, 2025, through July 31, 2025, based on a net household income of \$ [REDACTED] Petitioner submitted her application on July [REDACTED] 2025, which was a holiday, so her application filing date is the next business day, July [REDACTED] 2025, pursuant to BAM 110 (January 1, 2025), p. 6. Thus, the Department must prorate Petitioner's FAP benefit beginning July [REDACTED] 2025.

For the months of August and September 2025, Petitioner's net household income was \$ [REDACTED] Petitioner's net household income was determined based on the following:

- Group size of three
- \$ [REDACTED] for unemployment income
- \$ [REDACTED] for child support income
- \$ [REDACTED] for a housing cost
- \$204.00 for a standard deduction
- \$664.00 for a heat/utility standard
- \$50.00 for an internet deduction

Petitioner's unemployment income amount was determined based on her weekly benefit amount of \$ [REDACTED] and the biweekly payment schedule for unemployment benefits. Petitioner's gross biweekly unemployment payment was \$ [REDACTED] which equals \$ [REDACTED] per month when multiplied by 2.15 to convert it to a standard monthly amount in accordance with BEM 505, p. 8. The Department appears to have budgeted an additional \$600.00 per week based on the SOLQ report presented by the Department, but there was insufficient evidence presented to establish that Petitioner actually received an additional \$600.00 per week, so the Department should not have budgeted it. Based on Petitioner's net household income of \$ [REDACTED] Petitioner was eligible for a FAP benefit of \$ [REDACTED] for the months of August and September 2025.

For the month of October 2025 and ongoing, Petitioner's net household income is \$ [REDACTED] Petitioner's net household income was determined based on the following:

- Group size of three
- \$ [REDACTED] for earned income from employment
- \$ [REDACTED] for unemployment income
- \$ [REDACTED] for child support income
- \$ [REDACTED] for a housing cost
- \$ [REDACTED] for a dependent care expense
- \$209.00 for a standard deduction
- \$682.00 for a heat/utility standard

Petitioner's earned income amount was determined based on her weekly gross pay amount of \$ [REDACTED] which equals \$ [REDACTED] per month when multiplied by 4.3 to convert it to a standard monthly amount in accordance with BEM 505, p. 8. Petitioner's unemployment income decreased when Petitioner began receiving earned income because unemployment benefits are offset by earned income. Petitioner's weekly benefit amount decreased to \$ [REDACTED] based on Petitioner's weekly gross pay of \$ [REDACTED]. Thus, Petitioner's gross biweekly unemployment payment decreased to \$ [REDACTED] which equals \$ [REDACTED] per month when multiplied by 2.15 to convert it to a standard monthly amount in accordance with BEM 505, p. 8. Petitioner notified the Department that her dependent care expense increased to \$ [REDACTED] which equals \$ [REDACTED] per month when converted to a standard monthly amount. Petitioner's dependent care expense became an allowable expense in accordance with BEM 554 (June 1, 2025), p. 8, when Petitioner began working. The internet deduction was eliminated, effective October 1, 2025, so the \$50.00 internet deduction is no longer available. The standard deduction and the heat/utility standard increased, effective October 1, 2025. Based on Petitioner's net household income of \$ [REDACTED] Petitioner is eligible for a FAP benefit of \$ [REDACTED] per month beginning October 2025 and ongoing. The Department must redetermine Petitioner's FAP eligibility for October 2025 and ongoing accordingly.

## **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 did not act 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 **REVERSED**. The Department must begin to implement this order within 10 days of the mailing date of this hearing decision. The Department must do all of the following to implement this order:

1. The Department must redetermine Petitioner's FAP eligibility for July 2025 in accordance with this hearing decision.
2. The Department must issue a \$ [REDACTED] FAP benefit to Petitioner for August 2025.
3. The Department must issue a \$ [REDACTED] FAP benefit to Petitioner for September 2025.
4. The Department must issue a \$ [REDACTED] FAP benefit to Petitioner for October 2025.
5. The Department must find Petitioner eligible for a \$ [REDACTED] FAP benefit effective October 1, 2025, and ongoing.



\_\_\_\_\_  
**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:**

**Respondent**

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**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]