



**Date Mailed:** November 4, 2025  
**Docket No.:** 25-034144  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

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

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

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**Docket No.:** 25-034144

**Case No.:** [REDACTED]

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

### **HEARING DECISION**

On September 17, 2025, Petitioner Linda Harvey requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on October 28, 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 with her authorized hearing representative, A. Shaikh. Respondent Michigan Department of Health and Human Services (Department) had Eligibility Specialist Emily Williamson and Family Independence Manager Ryen Clemons appear as its representatives. There were no other participants.

Both parties provided sworn testimony, and eight exhibits were admitted into evidence. The following exhibits were admitted into evidence:

Exhibit A	Respondent's 74-page hearing packet
Exhibit 1	Petitioner's healthcare letters
Exhibit 2	Petitioner's May 2025 redetermination
Exhibit 3	July [REDACTED] 2025, benefit notice
Exhibit 4	August [REDACTED] 2025, notice of case action
Exhibit 5	August [REDACTED] 2025, hearing request withdrawal
Exhibit 6	August [REDACTED] 2025, correspondence from Petitioner
Exhibit 7	Petitioner's receipts

### **ISSUE**

Did the Department properly determine Petitioner's medical expenses and FAP certification period?

### **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 FAP benefit recipient.
2. Petitioner has a 12-month certification period.

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3. Petitioner is a senior.
4. Petitioner receives income from Social Security RSDI, a pension, and a retirement account.
5. On May █ 2025, Petitioner submitted a redetermination to the Department to renew her eligibility for FAP benefits. Petitioner included receipts for the medical expenses that she incurred from December 1, 2024, through May 27, 2024. Those receipts consisted of the following:
- a. April 23, 2025, \$█ paid to █ for counseling
  - b. May 1, 2025, \$█ paid to Life Extension for vitamins and supplements
  - c. May 12, 2025, \$█ paid to Life Extension for vitamins and supplements
  - d. May 14, 2025, \$█ paid to Fullscript for over-the-counter medications
  - e. May 14, 2025, \$█ paid to █ for counseling
  - f. A statement from █ showing that Petitioner incurred a \$█ copay on each of the following dates:
    - i. December █ 2024
    - ii. December █ 2024
    - iii. December █ 2024
    - iv. December █ 2024
    - v. January █ 2025
    - vi. January █ 2025
    - vii. January █ 2025
    - viii. January █ 2025
    - ix. February █ 2025
    - x. February █ 2025
    - xi. February █ 2025
    - xii. March █ 2025
    - xiii. March █ 2025

- xiv. March ■ 2025
- xv. March ■ 2025
- xvi. March ■ 2025
- xvii. April ■ 2025
- xviii. April ■ 2025
- xix. April ■ 2025
- xx. May ■ 2025

g. A statement from ■ showing that Petitioner incurred the following expenses:

- i. December ■ 2024, \$■
- ii. December ■ 2024, \$■
- iii. March ■ 2025, \$■
- iv. April ■ 2025, \$■
- v. April ■ 2025, \$■
- vi. April ■ 2025, \$■
- vii. April ■ 2025, \$■
- viii. May ■ 2025, \$■
- ix. May ■ 2025, \$■
- x. May ■ 2025, \$■
- xi. May ■ 2025, \$■

6. In June 2025, Petitioner incurred the following medical expenses:

- a. \$■ paid to Life Extension for vitamins and supplements
- b. \$■ paid to Fullscript for over-the-counter medications
- c. \$■ paid to Costco for over-the-counter medications
- d. \$■ paid to Life Extension for vitamins and supplements

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- e. \$[REDACTED] paid to Ann Arbor Community Acupuncture
  - f. \$[REDACTED] paid to Gateway Chiropractic
  - g. \$[REDACTED] paid to Payge Hodapp for Eden Energy Medicine
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7. In July 2025, Petitioner incurred the following medical expenses:
- a. \$[REDACTED] to Kroger Pharmacy for a prescription copay
  - b. \$[REDACTED] paid to Life Extension for vitamins and supplements
  - c. \$[REDACTED] paid to A2 Community Acupuncture
  - d. \$[REDACTED] paid to Life Extension for vitamins and supplements
  - e. \$[REDACTED] to Kroger Pharmacy for a prescription copay
  - f. \$[REDACTED] to Kroger Pharmacy for a prescription copay
  - g. \$[REDACTED] paid to Costco for over-the-counter medications
  - h. \$[REDACTED] paid to Gateway Chiropractic
  - i. \$[REDACTED] to Kroger Pharmacy for a prescription copay
  - j. \$[REDACTED] to Kroger Pharmacy for a prescription copay
  - k. \$[REDACTED] paid to Payge Hodapp for Eden Energy Medicine
8. On August [REDACTED] 2025, the Department issued a notice of case action to Petitioner to notify her that she was approved for a FAP benefit \$[REDACTED] per month, effective September 1, 2025. The notice of case action stated that Petitioner's FAP benefit amount was determined based on the following information:
- a. Group size of one
  - b. Unearned income of \$[REDACTED] per month
  - c. Standard deduction of \$204.00 per month
  - d. Internet deduction of \$50.00 per month
  - e. Medical expenses of \$[REDACTED] per month
  - f. Housing costs of \$[REDACTED] per month
  - g. Heat/utility standard of \$664.00 per month

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9. The Department removed Petitioner's medical expenses after September 2025 because the Department determined that they were one-time medical expenses.
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10. On August ■ 2025, Petitioner provided the Department with documentation of her medical expenses for August 2025. Petitioner provided a February ■ 2025, letter of medical necessity from ■ which stated, "I am requesting coverage for the following over-the-counter vitamins/supplements from Life Extension (online vitamin/supplement company) and OTC medicines (listed below). She takes them for general health maintenance and management of chronic pain. . . ." Petitioner provided a February ■ 2025, letter of medical necessity from ■ which stated, "I am requesting coverage for Bodywork, including acupuncture and Eden Energy Technique as useful therapies to manage her chronic pain, somatic dysfunction and autonomic nervous system imbalances. . . ." Petitioner provided the following receipts totaling \$■
- a. \$■ paid to Life Extension for vitamins and supplements
  - b. \$■ paid to Gateway Chiropractic for chiropractic services
  - c. \$■ paid to Fullscript for over-the-counter medications
  - d. \$■ paid to Kroger for prescription copays
  - e. \$■ paid to A2 Community Acupuncture
11. On September ■ 2025, the Department mailed a notice of case action to Petitioner to notify her that she was approved for a FAP benefit \$■ per month, effective October 1, 2025. The notice of case action stated that Petitioner's FAP benefit amount was determined based on the following information:
- a. Group size of one
  - b. Unearned income of \$■ per month
  - c. Standard deduction of \$209.00 per month
  - d. Housing costs of \$■ per month
  - e. Heat/utility standard of \$682.00 per month
12. Petitioner requested a hearing to dispute the Department's determination. Petitioner disagrees with the Department's decision to remove her medical expenses. Petitioner also disagrees with the Department's decision to assign her a 12-month certification period rather than a 24-month certification period.

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## CONCLUSIONS OF LAW

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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, Petitioner is disputing the Department's decision to treat her medical expenses as one-time as opposed to ongoing, and Petitioner is disputing the Department's decision to assign her case a 12-month certification period as opposed to a 24-month certification period.

### MEDICAL EXPENSES

A FAP client who is a senior is eligible to have medical expenses exceeding \$35.00 per month budgeted to determine the FAP client's FAP benefit amount. BEM 554 (October 1, 2025), p. 1. One-time medical expenses are budgeted for the month they are incurred. *Id.* at 3. Ongoing medical expenses are converted to a standard monthly amount. *Id.* at 3-4. Medical expenses that are incurred weekly, biweekly, monthly, bimonthly, quarterly, and annually are considered ongoing medical expenses. *Id.*

A FAP client who is a senior and who has medical expenses exceeding \$35.00 in a month is eligible for a \$165.00 standard medical deduction. *Id.* at 10. If the FAP client has medical expenses exceeding \$165.00, the FAP client may choose to verify her medical expenses and use the actual amount of her medical expenses instead of the \$165.00 standard medical deduction. *Id.*

Based on the evidence presented, Petitioner has incurred medical expenses every month in the recent past. Petitioner's medical expenses have consisted of prescription copays, vitamins and supplements, over-the-counter medications, chiropractic care, counseling, acupuncture, and Eden Energy Medicine. The Department determined that Petitioner's medical expenses were one-time medical expenses. Although Petitioner asserted that the Department should have determined that her medical expenses were ongoing medical expenses, Petitioner did not present sufficient evidence to establish that the Department improperly determined that her medical expenses were one-time medical expenses. Petitioner's medical expenses varied each month, and Petitioner did not establish that her medical expenses were recurring. Specifically, Petitioner did not establish the frequency and duration of her treatment plans for her chiropractic care, counseling, acupuncture, and Eden Energy Medicine. Additionally, Petitioner did not

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establish the frequency and duration of her prescriptions, vitamins, supplements, and over-the-counter medications.

#### CERTIFICATION PERIOD

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The Department assigns the longest certification period possible based on the client's circumstances. BAM 115 (October 1, 2025), p. 29. A client who is a senior is eligible for a 24-month benefit period if the client's only income is from Social Security. *Id.* A client who is ineligible for a 24-month certification period is assigned as 12-month certification period. *Id.* at 30. In this case, Petitioner receives income from Social Security, a pension, and a retirement account. Thus, Petitioner is ineligible for a 24-month certification period because Petitioner receives income from sources in addition to Social Security. Therefore, the Department properly determined that Petitioner should be assigned a 12-month certification period.



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## **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 its policies and the applicable law when it determined Petitioner's medical expenses and FAP certification period.

**IT IS ORDERED** that the Department's decision is **AFFIRMED**.



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**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.

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**Via Electronic Mail:**

**Non-Attorney Representative**

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