



Date Mailed: October 22, 2025
Docket No.: 25-034519
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.: 25-034519

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 20, 2025. Petitioner was represented by her spouse and adult member of the household, [REDACTED] (Spouse). The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist.

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. On June 5, 2025, the Department received a completed redetermination application for FAP benefits and Medicaid (MA) coverage from Petitioner for herself, Spouse, and their three children, [REDACTED] (AR), [REDACTED] (SR), and [REDACTED] (NR). Petitioner reported that:
 - a. The household's income was Supplemental Security Income (SSI) for NR, Retirement, Survivors, and Disability Insurance (RSDI) for Spouse, and Petitioner's own employment;
 - b. Petitioner earned \$[REDACTED] per hour and worked an average of 30 hours per week; and
 - c. Spouse and NR were disabled.(Exhibit A, pp. 10 – 14).
2. On July 17, 2025, the Department interviewed Petitioner. Petitioner reported that Spouse received RSDI income and NR received SSI. Petitioner did not report any earned income.

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3. On July 17, 2025, the Department retrieved State Online Queries (SOLQ) from the Social Security Administration (SSA). The SOLQ reported that Spouse received RSDI income of \$ [REDACTED] per month and did not receive SSI; and neither NR nor SR received SSI.
 4. On September 5, 2025, the Department processed Petitioner's redetermination application and retrieved a Work Number report from Equifax regarding Petitioner's income. The Work Number reported that Petitioner had initial bi-weekly earnings of \$ [REDACTED] on September 5, 2025.
 5. On September 5, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved her for FAP benefits of \$364 per month for a five-person FAP group effective October 1, 2025. The NOCA reflected that the group's FAP benefits were based in part on \$ [REDACTED] earned income and \$ [REDACTED] unearned income. (Exhibit A, pp. 33 – 35).
 6. On September 9, 2025, the Department received a request for hearing from Petitioner, disputing the Department's denial of MA for the household members, and the amount of the FAP group's monthly benefit. (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.

Petitioner requested a hearing to dispute the amount of her FAP benefits. The Department sent Petitioner a NOCA that approved her for FAP benefits of \$364 per month for her five-person FAP group, effective October 1, 2025. However, the Department testified that Petitioner was approved for \$391 per month in FAP benefits effective October 1, 2025, and there was no dispute that the Department issued Petitioner that amount for October 2025.

As a preliminary matter, Petitioner also disputed the Department's denial of Medicaid (MA) for her and her family members in her request for hearing. However, at the beginning of the hearing, Spouse testified that Petitioner's dispute regarding MA was

resolved prior to hearing and requested to withdraw that portion of the request for hearing. The Department had no objection.

Therefore, Petitioner's request for hearing as to MA was dismissed and the hearing proceeded regarding FAP benefits only.

To determine whether the Department properly calculated Petitioner's FAP benefit amount, the Department begins with the client's countable earned and unearned income. BEM 500 (April 2022), pp. 1 – 5. For purposes of FAP, gross RSDI income and SSI 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. 31, 36 – 38. To budget earned income, the Department prospects the income 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 (June 2025), pp. 1 – 4, 6 – 8. For starting income, the Department uses the best available information based on expected work hours and rate of pay; or, if the client has received a paycheck and it is an accurate reflection of the expected income, the paycheck. BEM 505, p. 8. 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 bi-weekly amounts is multiplied by 2.15. BEM 505, pp. 8 – 9.

In this case, the Department budgeted \$ [REDACTED] in gross earned income from Petitioner's employment, \$ [REDACTED] in SSI for Spouse, and \$ [REDACTED] in RSDI income for Spouse, when it determined the group's countable income. (Exhibit A, p. 30).

There was no dispute that Petitioner has earned income from Employer and is paid bi-weekly. The Department explained that it used Petitioner's initial bi-weekly pay of \$ [REDACTED] and converted that into a standard monthly amount of \$ [REDACTED]. Therefore, although Petitioner reported that she worked an average of 30 hours per week and earned \$19 per hour, which was more than the Department budgeted, the Department's calculations were made consistent with policy.

Although there was also no dispute that Spouse receives \$ [REDACTED] in RSDI income, both parties testified that none of the FAP group members receives SSI. However, the Department was unable to explain why it included SSI in the FAP group's unearned income. Therefore, the Department did not act in accordance with Department policy when it included SSI in the FAP group's unearned income.

Additionally, once countable income is calculated, the Department must determine which deductions are available to the Petitioner; and because Spouse and NR are disabled, Petitioner's FAP group is considered a senior/disabled/veteran (SDV) household. BEM 550, p. 1. Households with SDV members and earned and unearned income may be eligible for the following deductions:

- 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.

The Department introduced a net income budget to establish how it determined Petitioner's FAP benefit amount. (Exhibit A, p. 29). In addition to the incorrect budgeting of Petitioner's unearned income as explained previously, the net income budget was inconsistent with the NOCA sent to Petitioner with regard to the group's deductions and approved benefit amount, and the Department testified that no revised NOCA was issued to Petitioner.

Because the Department incorrectly budgeted the FAP group's unearned income and did not establish that it properly determined the FAP group's deductions, the Department failed to establish that it properly determined Petitioner's monthly FAP benefit amount 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 determined Petitioner's FAP benefit amount effective October 1, 2025 ongoing.

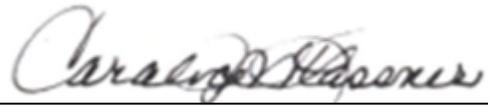
Accordingly, Petitioner's request for hearing regarding MA is **DISMISSED**, and the Department's decision regarding FAP is **REVERSED**.

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. Redetermine Petitioner's eligibility for FAP benefits for October 1, 2025 ongoing;
1. If Petitioner is eligible for any FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, from October 1, 2025; and

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2. Notify Petitioner of its decision in writing.



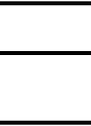
CARALYCE M. LASSNER
ADMINISTRATIVE LAW JUDGE

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:

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