



Date Mailed: November 5, 2025
Docket No.: 25-035410
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
[REDACTED], MI [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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Case No.: [REDACTED]

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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 30, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Julie Berg, Assistance Payments Supervisor.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (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. Petitioner was an ongoing FAP recipient.
2. On September 20, 2025, Petitioner completed a redetermination related to his FAP (Exhibit A, pp. 11-13).
3. Petitioner had income from employment in the amount of \$ [REDACTED] per year. Petitioner also received an annual stipend of \$ [REDACTED] (Exhibit A, p. 16).
4. On September 16, 2025, the Department sent Petitioner a Notice of Case Action informing him that he was approved for FAP benefits in the amount of \$501 per month effective October 1, 2025, ongoing (Exhibit A, pp. 4-8). The Department included the annual stipend as unearned income in Petitioner's FAP benefit calculation.
5. On September 29, 2025, Petitioner submitted a request for hearing disputing the Department's decision to include the stipend in the calculation of his FAP benefit amount.

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 was an ongoing FAP recipient. The Department determined that Petitioner was eligible for FAP benefits in the amount of \$501 per month effective October 1, 2025, based on an unearned income amount of \$[REDACTED] per month. The Department testified that Petitioner receives a yearly stipend in the amount of \$[REDACTED]. Petitioner clarified that the stipend is for living expenses, as he is engaged in an educational program to become a rabbi. The Department testified that they determined the funds were not educational expenses, and therefore not excluded by policy, as the training to become a rabbi does not cause an individual to be ineligible for FAP under the student status policy. Thus, any funds issued by an institution training individuals to become a rabbi is not considered an educational institution (Exhibit A, p. 21).

Per policy in BEM 501 in FAP cases, income of a student is disregarded if the individual is 1) under age 18; 2) attending elementary, middle, high school, homeschool, or attending classes to obtain a General Education Degree; and 3) is living with someone who provides care or supervision. BEM 501 (January 2024), p. 2. Petitioner is over age 18 and not enrolled in any of the identified school programs; therefore, he does not meet the requirements for the disregard of his income under this provision.

Per policy under BEM 503, the Department excludes educational assistance including grants, loans, scholarships, assistantships, stipends, and fellowships for education. BEM 503 (July 2025), p. 12. Policy does not provide any additional information to determine whether the Department's interpretation of policy is accurate. However, the Code of Federal Regulations provides that these items are to be excluded from consideration as income if they are awarded to a household member who is enrolled at an accredited institution of post-secondary education (7 CFR 273.9(c)(3)(B)) and the funds must be identified by the institution as being provided for the purpose of

(1) Tuition,

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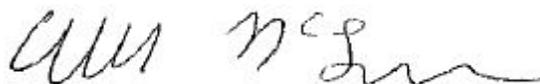
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- (2) Mandatory school fees, including the rental or purchase of any equipment, material, and supplies related to the pursuit of the course of study involved,
 - (3) Books,
 - (4) Supplies,
 - (5) Transportation,
 - (6) Miscellaneous personal expenses, other than normal living expenses, of the student incidental to attending a school, institution or program,
 - (7) Dependent care,
 - (8) Origination fees and insurance premiums on educational loans,

7 CFR 273.9(c)(3)(C). The regulation specifically provides that use of the funds or designation of the funds as for the purpose of “[n]ormal living expenses which are room and board are not excludable” meaning the stipend must then be counted as income. 7 CFR 273.9(c)(3)(c)(9). Department policy states that a post-secondary education institution is defined as a public or private educational institution which admits persons who are beyond the age of mandatory school attendance. BPG Glossary, p. 53. The institution must be legally authorized by the state to provide an educational program beyond secondary education or to provide a program of training to prepare students for gainful employment. BPG Glossary, p. 53.

There is no indication that the institution that issued the stipend ([REDACTED]) is an accredited body for post-secondary education registered with the State of Michigan. In addition, the verification of the stipend does not specifically identify or earmark the purpose for the funds but seems to suggest that the funds are for services rendered as part of the Rabbinical job training program. Therefore, the Department acted in accordance with Department policy when it included the stipend as unearned income.

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 act in accordance with Department policy when it determined Petitioner’s FAP eligibility. Accordingly, the Department’s decision is **AFFIRMED**.



**ELLEN MCLEMORE
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. 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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[REDACTED]

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