



Date Mailed: November 14, 2025
Docket No.: 25-035476
Case No.: [REDACTED]
Petitioner: [REDACTED]

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هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

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

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这是一份重要的法律文件。请让别人翻译文件。

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

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Docket No.: 25-035476

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 28, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Toni Jolman, Assistance Payments Supervisor (APS).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-22.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) 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 received a LIHEAP payment in July 2024, which allowed for the full heat/utility (h/u) standard to be included in his FAP budget for 12 months. (Exhibit A, p. 1)
2. On July 12, 2025, an automatic update removed the full h/u standard allowance from Petitioner's FAP budget because he did not receive another LIHEAP payment in 2025. (Exhibit A, p. 1)
3. On July 12, 2025, a Notice of Case Action was issued to Petitioner stating his FAP benefits would decrease effective September 1, 2025, based on the change with his expenses. (Exhibit A, p. 1)
4. On July 19, 2025, an automatic update added newly received Supplemental Security Income (SSI) benefit income to Petitioner's FAP budget. (Exhibit A, p. 1)

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5. On July 19, 2025, a Notice of Case Action was issued to Petitioner stating his FAP benefit would decrease to \$62.00 per month effective September 1, 2025, based on the change with his income. (Exhibit A, pp. 3-12)
 6. On September 16, 2025, Petitioner submitted a Semi-Annual Contact Notice indicating there had been no changes. (Exhibit A, pp. 13-15)
 7. On September 23, 2025, the Department processed the Semi-Annual Contact Notice and discovered Petitioner's Retirement, Survivors, and Disability Insurance (RSDI) benefit income had increased. (Exhibit A, p. 1)
 8. On September 23, 2025, a Notice of Case Action was issued to Petitioner stating his FAP benefits would decrease to \$24.00 per month effective November 1, 2025, based on the change with his income. (Exhibit A, pp. 16-20)
 9. On September 29, 2025, Petitioner submitted a hearing request contesting the Department's determination. (Exhibit A, unnumbered pages)

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.

The Department counts the gross benefit amount of SSI as unearned income. BEM 503, July 1, 2025, p. 36. The Department counts the gross benefit amount of RSDI as unearned income. BEM 503, July 1, 2025, p. 30.

For FAP, a shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. BEM 554, (August 1, 2025), p. 15. The heat/utility (h/u) standard covers all heat and utility costs including cooling, except actual utility expenses, for example, installation fees etc. FAP groups that qualify for the h/u standard do not receive any other individual utility standards. FAP groups whose heat is included in their rent may still qualify for the h/u standard. Some additional ways include but are not limited to, receipt of the Home Heating Credit (HHC) or a Low Income Home Energy Assistance Payment (LIHEAP). The amount of either payment must be greater than \$20 in the month of application or in the immediately preceding 12 months prior to

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the application month. FAP groups who pay for cooling (including room air conditioners) are eligible for the h/u standard if, they have the responsibility to pay for non-heat electric. BEM 554, pp. 19-26. FAP groups not eligible for the h/u standard who have other utility expenses or contribute to the cost of other utility expenses are eligible for the individual utility standards. Use the individual standard for each utility the FAP group has responsibility to pay. BEM 554 p. 27.

The Department can also consider verified allowable medical expenses of a senior/disabled/veteran (SDV) member of the FAP group. BEM 554, pp. 9-13.

Groups in which all members are homeless may receive a homeless shelter deduction if they have a shelter expense. BEM 554, p. 15.

A FAP group which has no heating/cooling expense but has a responsibility to pay for a traditional land-line service, cellular phone service including per-minute or per-call service and voice over Internet protocol (VoIP) must use the telephone standard. The standard covers only the telephone expense. BEM 554, p. 28.

In this case, Petitioner received a LIHEAP payment in July 2024, which allowed for the full h/u standard to be included in his FAP budget for 12 months. (Exhibit A, p. 1). On July 12, 2025, an automatic update removed the full h/u standard allowance from Petitioner's FAP budget because he did not receive another LIHEAP payment in 2025. (Exhibit A, p. 1). On July 12, 2025, a Notice of Case Action was issued to Petitioner stating his FAP benefits would decrease effective September 1, 2025, based on the change with his expenses. (Exhibit A, p. 1).

On July 19, 2025, an automatic update added newly received SSI benefit income to Petitioner's FAP budget. (Exhibit A, p. 1). On July 19, 2025, a Notice of Case Action was issued to Petitioner stating his FAP benefit would decrease to \$62.00 per month effective September 1, 2025, based on the change with his income. (Exhibit A, pp. 3-12).

On September 16, 2025, Petitioner submitted a Semi-Annual Contact Notice indicating there had been no changes. This included that there had been no changes with income as well as not having any medial expenses. (Exhibit A, pp. 13-15). On September 23, 2025, the Department processed the Semi-Annual Contact Notice and discovered Petitioner's RSDI benefit income had increased. (Exhibit A, p. 1). On September 23, 2025, a Notice of Case Action was issued to Petitioner stating his FAP benefits would decrease to \$24.00 per month effective November 1, 2025, based on the change with his income. (Exhibit A, pp. 16-20).

The budgeted income was reviewed. The Department verified the SSI and RSDI benefit income with State Online Query (SOLQ) report. Petitioner also receives the \$[REDACTED] per month State SSI Payment benefit, which is issued on a quarterly basis. Petitioner was no longer eligible for the full h/u standard to be included in his FAP budget because he

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had not received a LIHEAP payment in the immediately preceding 12 months. (APS Testimony).

Petitioner indicated he is homeless and he has medical expenses as well as a phone expense. (Petitioner Testimony). However, Petitioner did not report the phone or medical expenses to the Department. (Exhibit A, p. 18). Accordingly, the Department could not have considered them for the FAP eligibility determination. It was also noted that Petitioner could not receive a homeless shelter deduction because he had no reported shelter expense. (Exhibit A, p. 15; APS Testimony).

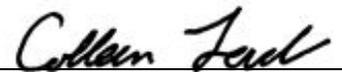
Petitioner testified that he has expenses for his gym and a storage unit. (Petitioner Testimony). However, the Department policies do not allow for consideration of gym and storage unit expenses in the FAP budget. See BEM 554, August 1, 2025, pp. 1-42.

Overall, the evidence shows that the Department properly determined Petitioner's eligibility for FAP as updated information as received regarding income and allowable expenses. If he has not already done so, Petitioner should report any allowable expenses to the Department so that they can be considered in determining his ongoing eligibility for FAP.

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 determined Petitioner's eligibility for FAP benefits.

Accordingly, the Department's decision is **AFFIRMED**.



COLLEEN LACK
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.