



Date Mailed: November 4, 2025
Docket No.: 25-035734
Case No.: [REDACTED]
Petitioner: [REDACTED]



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

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Docket No.: 25-035734

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 30, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Princess Ogundipe, Assistance Payments Supervisor.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount?

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 [REDACTED] years old, receives Retirement, Survivors, and Disability Insurance (RSDI) income in the amount of \$[REDACTED] per month, and has no other income. (Exhibit A, pp. 27, 30, 37).
1. Since at least August 8, 2024, Petitioner has been an ongoing recipient of FAP benefits and her address has been [REDACTED] Michigan [REDACTED] (Address). (Exhibit A, pp. 20, 38, 42).
2. On July 1, 2025, the Department sent a Mid-Certification Contact Notice to Petitioner at an incorrect address. (Exhibit A, pp. 20, 56).
3. On August 10, 2025, the Department sent a Notice of FAP Closure to Petitioner at an incorrect address. The notice stated that Petitioner's FAP benefit case would be closed effective August 31, 2025. (Exhibit A, pp. 20, 34).
4. On [REDACTED] 2025, the Department received a completed application for FAP assistance from Petitioner. Petitioner reported that her only income was RSDI, and that she paid rent. Petitioner did not report any utility, medical, or other expenses. Petitioner also reported that she had not received a redetermination

application and that she had advised the Department multiple times that all mail must be sent to her at Address. (Exhibit A, pp. 27 – 33).

5. On September 15, 2025, the Department interviewed Petitioner. She confirmed that her only source of income was from RSDI and her only shelter expense was rent. She reported that her utilities were included with her rent and did not report any medical or other expenses. (Exhibit A, pp. 49 – 55).
6. On September 26, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved Petitioner for FAP benefits of \$82 per month for a one-person FAP group, prorated from September 15, 2025. (Exhibit A, pp. 10 – 11).
7. On October 1, 2025, the Department received a verbal request for hearing from Petitioner disputing the amount of her monthly FAP benefit. (Exhibit A, pp. 6 – 8).
8. On October 10, 2025, the Department sent Petitioner a NOCA that increased Petitioner’s FAP benefits to \$92 per month and informed Petitioner that a supplement of \$69 would be issued to her for the period of September 1, 2025 through October 31, 2025. (Exhibit A, pp. 18 – 19).
9. On October 10, 2025, Petitioner received the \$69 FAP supplement; \$59 for September 2025, and \$10 for October 2025. (Exhibit A, p. 38).

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 verbally requested a hearing to dispute the Department’s determination of her monthly FAP benefit amount. The Department initially approved Petitioner for FAP benefits of \$82 per month prorated from September 15, 2025, for a one-person FAP group.

As a preliminary matter, the Department testified that in preparation for the hearing, it discovered that it had not sent Petitioner’s Mid-Certification Contact Notice or Notice of FAP Closure to her correct address. The Department also learned that Petitioner had a

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telephone expense. On October 10, 2025, the Department corrected its error, budgeted Petitioner's previously unreported telephone expense, and approved Petitioner for FAP benefits of \$92 per month effective October 1, 2025, and a supplement of \$69 for the period of September 1, 2025 to October 31, 2025.

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. The Department counts the gross benefit amount of RSDI as unearned income. BEM 503 (July 2025), pp. 30 – 32. In this case, there was no dispute that Petitioner's only income is from RSDI, in the amount of \$[REDACTED] per month.

After countable income is calculated, the Department must determine which deductions are available to Petitioner. Because Petitioner is over the age of 60, she is considered a senior/disabled/veteran (SDV) household. BEM 550 (April 2025), pp. 1 – 2. Households with SDV members with unearned income may be eligible for the following deductions only:

- 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 (August 2025) p. 1; BEM 556 (October 2024) pp. 4 – 6.

The Department introduced a budget to show how it determined Petitioner's FAP benefit amount. (Exhibit A, pp. 36, 39). Effective October 1, 2025, the standard deduction for a one-person FAP group, such as Petitioner's, increased from \$204 to \$209. RFT 255 (October 2025; October 2024). The Department testified, and Petitioner confirmed, that she did not report any medical, dependent care, or court ordered child support expenses. The budget reflected that the Department properly deducted only a \$209 standard deduction from Petitioner's countable income.

Next, the Department determines any excess shelter expense deduction. To start, the Department first calculates Petitioner's adjusted gross income (AGI) by subtracting the allowable deductions outlined above from the countable income. Based on Petitioner's countable income of \$[REDACTED], and Petitioner's standard deduction of \$209, Petitioner's AGI was \$[REDACTED].

To complete the excess shelter deduction calculation, the Department reviewed Petitioner's housing and utility expenses. There was no dispute that Petitioner had a housing expense of \$900 per month, was not responsible for payment of heat and other utilities, and did not receive a Home Heating Credit (HHC) or a Low-Income Home

Energy Assistance Payment (LIHEAP) within the prior 12 months; but, she did have a telephone expense. Although Petitioner expressed concern that she had no substantial changes in her expenses and did not understand why her FAP benefits decreased, the Department testified that it previously used the heat and utility (h/u) standard of \$664 (RFT 255 (October 2024)) in calculation of Petitioner's excess shelter deduction. (Exhibit A, p. 40). However, Petitioner confirmed that she does not have such an expense.

When a FAP group has a telephone expense, but does not have a heating or other utility expense and has not received a HCC or LIHEAP in the past 12 months, they are entitled to a \$31 telephone standard amount to be included in the calculation of the excess shelter deduction, which is the highest amount available to a FAP group who pays a telephone expense. BEM 554, pp. 19 – 29, 31; RFT 255 (October 2025). Effective October 1, 2025, a FAP group's internet expense is no longer a separate standard amount to be included in calculation of the group's excess shelter deduction. BEM 554, pp. 27 – 30; RFT 255. Therefore, the evidence established that the Department properly budgeted only Petitioner's housing expense and the telephone standard amount, when it calculated Petitioner's current excess shelter deduction.

Once Petitioner's housing and allowable utility expenses have been determined, the Department must add those amounts together for a total shelter amount and then subtract 50% of Petitioner's AGI from the total shelter amount. BEM 556, pp. 5 – 6. This determines whether Petitioner is eligible for an excess shelter deduction and, if so, the amount of the deduction.

The total of Petitioner's monthly housing of \$900, plus the telephone standard of \$31, was \$931. When 50% of Petitioner's \$[REDACTED] AGI, in the amount of \$539, was subtracted from the total shelter amount of \$931, Petitioner's excess shelter deduction was \$392, which is what the Department included on the budget. When the Department subtracted Petitioner's excess shelter deduction of \$392 from her AGI of \$[REDACTED], it determined Petitioner's net income was \$[REDACTED]. Although Petitioner expressed concern that the Department did not consider other monthly expenses she incurs, the evidence established that the Department's calculation of her net income for purposes of FAP benefits were made consistent with policy.

Once the net monthly income has been determined under the FAP program, the Department determines what benefit amount Petitioner is entitled to, based on the group size, according to the Food Assistance Issuance Table found in RFT 260. Based on Petitioner's one-person FAP group size and net income of \$686, the Department properly determined Petitioner's monthly benefit amount of \$92 effective October 1, 2025. RFT 260 (October 2025), p. 10.

For the period of September 1, 2025 to September 30, 2025, Petitioner's income and allowable expenses, which included rent, telephone, and internet expenses, were reviewed in light of the policies; standard deduction; and utility standards in effect

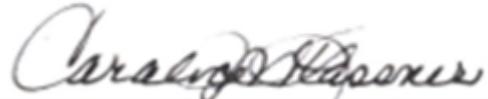
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through September 30, 2025, of \$30 for telephone and \$50 for internet. The review of Petitioner's income and allowable deductions, calculated consistent with the policy and steps outlined previously, established that the Department properly determined Petitioner was eligible for \$98 in FAP benefits for her one-person FAP group for the period of September 1, 2025 to September 30, 2025, and issued her a \$59 FAP supplement.

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 monthly FAP benefit amount for September 2025, and October 1, 2025 ongoing.

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



**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:

Petitioner

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