



**Date Mailed:** November 5, 2025  
**Docket No.:** 25-035980  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

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

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**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 30, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Lori Turner, Eligibility Specialist.

### **ISSUE**

Did the Department properly calculate Petitioner's Food Assistance Program (FAP) benefit rate?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In August 2025, the Department received Petitioner's completed Semi-Annual Contact Report.
2. Effective July 2025, Petitioner began receiving Retirement, Survivors, and Disability Insurance (RSDI) benefits in the amount of \$[REDACTED]
3. Petitioner is also employed and had the following wages:

June 23, 2025	\$[REDACTED]
July 7, 2025	\$[REDACTED]
July 21, 2025	\$[REDACTED]
August 4, 2025	\$[REDACTED]

4. On September [REDACTED] 2025, the Department issued a Notice of Case Action to Petitioner notifying him that his FAP benefits were approved in the amount of \$[REDACTED] effective October 1, 2025 based on a group size of one with \$[REDACTED] in earned income, \$[REDACTED] in unearned income, the \$209.00 standard deduction, and the heat and utility standard deduction (H/U) of \$682.00.

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5. On September 22, 2025, the Department received Petitioner's request for a hearing disputing the Department's determination of his FAP benefit rate.
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### **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 disputes the Department's calculation of his FAP benefit rate. To determine whether the Department properly calculated Petitioner's FAP benefit rate, the evaluation first starts with consideration of all countable earned and unearned income available to the group. BEM 500 (April 2022), pp. 1-5. The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Prospective income is income not yet received but expected. BEM 505 (June 2025), p. 1. In prospecting income, the Department is required to use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month, discarding any pay if it is unusual and does not reflect the normal, expected pay amounts. BEM 505, pp. 4-9. A standard monthly amount must be determined for each income source used in the budget. BEM 505, pp. 8-9. For income received biweekly, the income is averaged and multiplied by 2.15. BEM 505, p. 8. Petitioner's standardized earned income totals \$[REDACTED]. Petitioner receives a gross RSDI benefit of \$[REDACTED] per month. Therefore, Petitioner's gross income is \$[REDACTED].

After consideration of income, the Department considers all appropriate deductions and expenses. Petitioner is a Senior, Disabled, or Disabled Veteran (SDV); therefore, he is eligible for the following deductions to income:

- Medical expense deduction for the disabled individual.
- Dependent care expense.
- Excess shelter deduction.
- Court ordered child support and arrearages paid to non-household members.
- Standard deduction based on group size.
- 20% earned income deduction

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BEM 550 (April 2025), pp. 1; BEM 554 (October 2025), p. 1; BEM 556 (October 2025), pp. 3-6.

Petitioner is eligible for the standard deduction of \$209.00 for a group size of one. RFT 255 (October 2025), p. 1; BEM 556, p. 4. No evidence was presented that Petitioner has dependent care or child support expenses. Next, Petitioner is disabled, so verified medical expenses may be considered in determining his FAP benefit rate, but none have been submitted in this case, and no evidence was presented that Petitioner is responsible for a Medicare premium. Per policy, an SDV group that has a verified one-time or ongoing medical expense(s) of more than \$35 for an SDV person(s) will receive the SMD. BEM 554, p. 9. The SMD is \$165. *Id.* If the group has actual medical expenses which are more than the SMD, they have the option to verify their actual expenses instead of receiving the SMD. *Id.* In addition, groups that do not have a 24-month benefit period may choose to budget a one-time-only expense for one month or average it over the balance of the benefit period. BEM 554, p. 9. Groups with a 24-month benefit period are given the option to budget the expense for one month, average it over the remainder of the first 12 months of the benefit period, or average it over the remainder of the 24-month benefit period. BEM 554, p. 10. Finally, Petitioner receives a deduction totaling 20% of his earned income, \$100.00 (rounded up to the nearest dollar). Each of these expenses is deducted from Petitioner's gross income to equal his Adjusted Gross Income (AGI) of \$1,133.00 (rounded down to the nearest dollar).

Once the AGI is calculated, the Department must then consider the Excess Shelter Deduction. BEM 554, p. 1; 7 CFR 273.9(d)(6). The Excess Shelter Deduction is calculated by adding Petitioner's housing costs to any of the applicable standard deductions and reducing this expense by half of Petitioner's AGI. BEM 556, pp. 4-7; 7 CFR 273.9(d)(6)(ii). No shelter expenses were budgeted which Petitioner does not dispute. However, Petitioner is responsible for utilities, and he was properly afforded the H/U of \$682.00. The H/U covers all heat and utility costs including cooling except actual utility expenses (repairs or maintenance). BEM 554, p. 16; RFT 255, p. 1. When a client is not responsible for heating and/or cooling costs, the client may receive utility standard deductions for non-heat electric, water and/or sewer, telephone, cooking fuel, and trash as applicable. BEM 554, p. 22-25. The Department is required to annually review these standards and make adjustments to reflect changes in costs which is why benefit rates can change annually even if no changes are reported by the client. 7 CFR 273.9(d)(6)(iii)(B). The expenses and factors outlined here are the only expenses considered for purposes of calculating the FAP budget and determining eligibility. After each item is considered, Petitioner's total housing cost is added together (\$682.00) and reduced by 50% of Petitioner's AGI (\$566), resulting in the excess shelter cost of \$116.00. *Id.*

Next, Petitioner's excess shelter cost is deducted from his AGI to equal his Net Income of \$[REDACTED]. A review of the Food Assistance Issuance Table shows that Petitioner is eligible for \$24.00 in FAP benefits for a group size of one. BEM 556, p. 6; RFT 260 (October 2025), p. 15. The Department has shown that it properly calculated Petitioner's FAP benefit rate.

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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 Department policy when it calculated Petitioner's FAP benefit rate.

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



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**AMANDA MARLER**  
**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](https://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:**

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**Petitioner**

[REDACTED]  
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