



Date Mailed: November 13, 2025
Docket No.: 25-036353
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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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.: 25-036353

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 November 6, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Rich'Kelle Curney, Hearing Facilitator and Eligibility Specialist.

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 over [REDACTED] years old, single, and receives Retirement, Survivors, and Disability Insurance (RSDI) income of \$[REDACTED] per month, Supplemental Security Income (SSI) of \$[REDACTED] per month, and a quarterly State SSI Payment (SSP) of \$[REDACTED]. (Exhibit A, pp. 21 – 22).
2. On August 22, 2025, the Department received a completed redetermination application for FAP benefits from Petitioner. Petitioner reported that she was the only member of her household and paid housing expenses that included heat and electric and other utilities; but, did not pay any child support, dependent care, or medical expenses. (Exhibit A, pp. 5 – 9).
3. On October 8, 2025, the Department interviewed Petitioner. The Department specialist noted that Petitioner reported that she lived with someone, purchased and prepared her food separately, paid \$875 per month for rent, and had a telephone expense; but, that she did not pay for heat, electric, or other utilities. The Department specialist also noted that all information provided by Petitioner during the interview was "accurate and supersede[d] all information submitted on the application...." (Exhibit A, pp. 10 – 17).

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4. On October 8, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved her for FAP benefits of \$213 per month prorated from October 8, 2025, for a one-person FAP group. (Exhibit A, pp. 26 – 27).
 5. On October 8, 2025, the Department received a verbal request for hearing from Petitioner, disputing the amount of her monthly FAP benefit. (Exhibit A, pp. 1, 4).

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 monthly FAP benefit. The Department approved Petitioner for FAP benefits of \$213 per month prorated from October 8, 2025, for a one-person FAP group. To determine whether the Department properly calculated Petitioner's FAP benefit amount, the Department begins with the client's countable earned and unearned income available to Petitioner. BEM 500 (April 2022), pp. 1 – 5. For income from RSDI, SSI, and SSP, the Department counts the gross benefit amount as unearned income. BEM 503 (October 2025), pp. 31 – 33, 36 – 38. In this case, there was no dispute that Petitioner's total monthly income from RSDI, SSI, and SSP was \$ [REDACTED].

After countable income is calculated, the Department must determine which deductions are available to Petitioner. Specific and limited deductions are permitted, depending on the source of countable income and the group's composition. Because Petitioner is over 60 years of age, she is considered a senior/disabled/veteran (SDV) household. BEM 550 (April 2025), p. 1. 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.

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BEM 554 (October 2025) p. 1; BEM 556 (October 2025) pp. 3 – 6.

The Department introduced a budget to explain how it determined Petitioner's monthly FAP benefit. (Exhibit A, pp. 24 – 25). Petitioner confirmed that she does not have any dependent care or court ordered child support expenses, and that although she has medical co-pays, they are generally less than \$35 per month; and no deduction for those expenses are reflected on the budget. Thus, the budget properly reflected that Petitioner received only a \$209 standard deduction from her countable income based on her one-person FAP group size, which reduced her countable income to \$987. BEM 550, p. 1; RFT 255 (October 2025).

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 \$█, and Petitioner's standard deduction of \$209, Petitioner's AGI was \$█.

To complete the excess shelter deduction calculation, the Department reviewed Petitioner's housing and utility expenses. When a FAP group has or contributes to payment for heating and other utility expenses, separate from the mortgage or rent payment, it is entitled to a heat and utility (h/u) standard amount of \$682 to be included in the calculation of the excess shelter deduction, which is the highest amount available to FAP groups who pay utilities and the group is not entitled to individual utility expenses in the calculation of the deduction. BEM 554, p. 19; RFT 255.

Here, there was no dispute that during her redetermination, Petitioner reported to the Department that she had a rent expense of \$875 per month. However, although Petitioner reported on the redetermination application that she was responsible for payment of heat and other utilities for her residence, the Department testified that during the redetermination interview, Petitioner reported that her heat and utilities were included in her rent and that she was only responsible for payment of her telephone expense. Petitioner disputed the Department's testimony and testified that she spoke to the Department in person on or about August 25, 2025, and confirmed that she was responsible for payment of heat and other utilities at her residence. The Department was unable to clearly explain the discrepancy between Petitioner's testimony and application and the Department's interview notes.

Thus, because there was a dispute as to Petitioner's payment of heat and other utilities, the Department did not satisfy its burden of showing that it acted in accordance with Department policy when it completed the excess shelter deduction calculation. Therefore, the Department did not satisfy its burden of showing that it properly determined Petitioner's net income and monthly FAP benefit amount.

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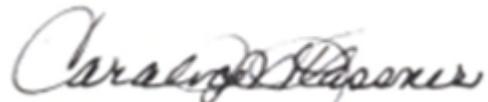
DECISION AND ORDER

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 not act in accordance with Department policy when it determined Petitioner's monthly FAP benefit amount.

Accordingly, the Department's FAP decision 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 FAP eligibility effective October 8, 2025, requesting additional information or verifications if necessary;
1. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, for October 8, 2025 ongoing; and
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:

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