

Date Mailed: November 20, 2025  
Docket No.: 25-038360  
Case No.: [REDACTED]  
Petitioner: [REDACTED]

## HEARING DECISION

On October 7, 2025, Petitioner [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) benefit denial. As a result, a hearing was scheduled to be held on November 19, 2025. Public assistance hearings are held 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. Petitioner appeared at the hearing and represented himself. Respondent Michigan Department of Health and Human Services (Department) had Hearings Coordinator Rebecca Ridley appear as its representative. A 58-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

## ISSUE

Did the Department properly deny Petitioner's application for 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. On September 10, 2025, Petitioner applied for FAP benefits based on a household size of 7 and reported the following employment:
  - a. Petitioner – employed at [REDACTED] working an average of 40 hours per week and earning [REDACTED] biweekly
  - b. Petitioner – employed at [REDACTED] working an average of 16 hours per week and earning [REDACTED] per week
  - c. [REDACTED] – employed at [REDACTED] working an average of 8 hours per week and earning [REDACTED] biweekly
  - d. [REDACTED] – employed at [REDACTED] earning [REDACTED] biweekly.
  - e. [REDACTED] - just began employment but had no pay information

2. On September 24, 2025, Petitioner completed an interview with the Department and confirmed Petitioner's employment as reported on Petitioner's September 10, 2025, application. Petitioner also reported the following employment information:

- a. [REDACTED] – employed at [REDACTED], working an average of 8-10 hours per week, earning [REDACTED] per hour, and being paid biweekly
- b. [REDACTED] – employed at [REDACTED], working an average of 27-32 hours per week, earning [REDACTED] per hour, and being paid biweekly
- c. [REDACTED] – employed at [REDACTED], working an average of 20-25 hours per week, earning [REDACTED] per hour, and being paid weekly

3. On September 24, 2025, provided a copy of Petitioner's pay stubs as follows:

- a. [REDACTED]
  - i. Dated August 29, 2025, with gross earnings of [REDACTED]
  - ii. Dated September 5, 2025, with gross earnings of [REDACTED]
  - iii. Dated September 12, 2025, with gross earnings of [REDACTED]
- b. [REDACTED]
  - i. Dated August 29, 2025, with gross earnings of [REDACTED]
  - ii. Dated September 15, 2025, with gross earnings of [REDACTED]

4. On September 24, 2025, the Department verified the gross earnings for Petitioner's children via Equifax as follows:

- a. [REDACTED]
  - i. [REDACTED] received on August 22, 2025
  - ii. [REDACTED] received on September 5, 2025
  - iii. [REDACTED] received on September 19, 2025
- b. [REDACTED]
  - i. [REDACTED] received on August 16, 2025
  - ii. [REDACTED] received on September 9, 2025
  - iii. [REDACTED] received on September 23, 2025

c. [REDACTED]

- i. [REDACTED] received on September 11, 2025
- ii. [REDACTED] received on September 18, 2025

5. On October 1, 2025, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner's application for FAP benefits was denied effective September 10, 2025, because Petitioner's household's gross income exceeded the limit to be eligible for FAP benefits.
6. On October 7, 2025, Petitioner requested a hearing to dispute the Department's denial.

### **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 FAP 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011.

Petitioner is disputing the Department's decision to deny Petitioner's application for FAP benefits. Petitioner asserts that Petitioner's household's gross income does not reflect the human aspect of the denial and Petitioner's household's further need for assistance.

For purposes of determining eligibility for FAP benefits, household income means all income from whatever source, excluding only items specified in 7 CFR 273.9(c). 7 CFR 273.9(b). Household income includes all wages and salaries of an employee. 7 CFR 273.9(b)(1). Petitioner's household income was derived from Petitioner's household's employment wages, and there was no evidence presented to establish that Petitioner's household's employment wages were specifically excluded as income in 7 CFR 273.9(c). Thus, Petitioner's household's employment wages are countable income for purposes of determining Petitioner's household's eligibility for FAP benefits.

For a client to be eligible for FAP benefits, the client's household income must not exceed the applicable monthly income limit by family size. RFT 250 (October 1, 2024), p. 1. The applicable monthly income limit for a household without a senior, disabled, or veteran is the household's gross income. *Id.* The gross income limit for a household size of 7 was \$5,271.00. *Id.* Since Petitioner had a household size of 7, \$5,271.00 was the applicable gross income limit for Petitioner's household.

To determine a client's countable income, the Department must use past income to prospect income for the future, unless changes are expected. BEM 505 (June 1, 2025), p. 3. In general, the Department uses income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. *Id.* at 6. If income from the past 30 days does not appear to accurately reflect what is expected to be received in the benefit month, and fluctuations of income during the past 60 or 90 days appear to accurately reflect the income that is expected to be received in the benefit month, then the Department uses income from the past 60 or 90 days. *Id.* Weekly pay is multiplied by 4.3 and biweekly pay is multiplied by 2.15 to calculate a standard monthly amount. *Id.* at p. 8.

In this case, Petitioner submitted pay stubs from [REDACTED] to the Department showing that Petitioner received gross earnings of [REDACTED] on August 29, 2025; [REDACTED] on September 5, 2025; [REDACTED] on September 12, 2025; and [REDACTED] on September 19, 2025. These gross earnings were added and divided by 4. The total was then multiplied by 4.3. The Department used a projected gross monthly earned income amount of [REDACTED] per month. The undersigned notes that there is an error in the amounts testified to by the Department representative at the hearing and the calculation of the projected gross monthly earned income amount of [REDACTED] (see Exhibit A, page 56). However, this error favors Petitioner.

Petitioner also submitted pay stubs from [REDACTED] to the Department showing that Petitioner received gross earnings of [REDACTED] on August 29, and September 15, 2025. This equals a gross income of [REDACTED]

The Department verified Petitioner's children's income via Equifax.

[REDACTED] received gross earnings from [REDACTED] of [REDACTED] on September 5, 2025; and [REDACTED] received on September 19, 2025. These gross earnings were added and divided by 2. The total was then multiplied by 2.15 which equals a projected gross monthly earned income amount of [REDACTED] per month.

[REDACTED] received gross earnings from [REDACTED] of [REDACTED] on September 9, 2025; and [REDACTED] on September 23, 2025. These gross earnings were added and divided by 2. The total was then multiplied by 2.15 which equals a projected gross monthly earned income amount of [REDACTED] per month.

[REDACTED] received gross earnings from [REDACTED] of [REDACTED] on September 11, 2025, [REDACTED] on September 18, 2025, and projected income received on September 25, 2025. These gross earnings were added and divided by 4. The total was then multiplied by 4.3 which equals a projected gross monthly earned income amount of [REDACTED] per month.

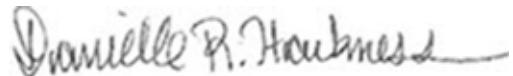
Petitioner's total gross household income exceeded the gross income limit for a household size of 7 because the income limit was \$5,271.00 per month, and Petitioner's gross household income was greater than \$5,271.00 per month. Therefore, the Department properly determined that Petitioner's gross household income exceeded the

limit to be eligible for FAP benefits. Accordingly, the Department properly denied Petitioner's application for FAP benefits.

**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 its policies and the applicable law when it denied Petitioner's application for FAP benefits.

**IT IS ORDERED** the Department's decision is **AFFIRMED**.



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DANIELLE R. HARKNESS  
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](http://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.

**Via Electronic Mail:**

**Respondent**

GENESEE COUNTY DHHS CLIO RD DIST  
4809 CLIO RD  
FLINT, MI 48502  
**MDHHS-GENESEE-CLIO-  
HEARINGS@MICHIGAN.GOV**

**Via First Class Mail:**

**Petitioner**

[REDACTED]