



Date Mailed: December 3, 2025
Docket No.: 25-039707
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.: 25-039707

Case No.: [REDACTED]

[REDACTED] [REDACTED] [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 November 26, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Melissa Williams, 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. Petitioner is an ongoing FAP recipient.
2. On September [REDACTED] 2025, the Department received Respondent's redetermination indicating she had a Retirement Survivors Disability Insurance (RSDI) benefit of \$[REDACTED] per month, medical expenses, housing insurance, taxes, and utilities.
3. The Department also received verification of Petitioner's tax assessment, phone bill, lawn services, credit card statements, bank statements, medical expenses from her eye examination and glasses totaling \$[REDACTED] and medical expenses from bladder control pads totaling \$[REDACTED]
4. The Department had budgeted an ongoing medical expense of \$[REDACTED] for medical expenses since August of 2020. That expense was removed when processing Petitioner's redetermination.
5. On October [REDACTED] 2025, the Department issued a Notice of Case Action to Respondent informing her that for the month of November 2025, she was approved for \$[REDACTED] in FAP benefits, and for December 2025, ongoing, she was approved for \$[REDACTED] in FAP benefit per month based on \$[REDACTED] earned income, \$[REDACTED] unearned income, the standard deduction of \$209.00, housing costs of

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\$[REDACTED] and the heat and utility standard deduction (H/U) \$682.00. The November 2025 benefit was higher because of consideration of a medical expense deduction totaling \$[REDACTED]

6. On October 29, 2025, the Department received Respondent's request for hearing disputing the Department's calculation of her FAP benefit rate and consideration of her medical expenses.

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 her 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. Petitioner receives an RSDI benefit of \$[REDACTED] per month. Because the income is received monthly, there is no need to further standardize it.

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

- Medical expense deduction for the SDV individual(s).
- Dependent care expense.
- Excess shelter deduction.
- Court ordered child support and arrearages paid to non-household members.
- Standard deduction based on group size.

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BEM 550 (April 2025), p. 1; BEM 554 (November 2025), p. 1; BEM 556, pp. 2-6.

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 any child support or dependent care expenses. In addition, per policy, an SDV group member 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.* Petitioner provided verification of medical expenses related to her eye examination, purchase of glasses, and incontinence supplies which totaled \$██████████. After the \$35.00 deduction, Petitioner's medical expense deduction is \$██████████. Petitioner disputed the Department's failure to budget the incontinence supplies on an ongoing basis. Policy provides that they may be budgeted when the item is recommended by a licensed health professional showing its continuing need. BEM 554, p. 12. No evidence was provided that a licensed health professional has indicated that the items are needed on an continuing basis. Once Petitioner has provided proof of the ongoing need as recommended by a licensed health professional, verification of these items is only needed at application and redetermination unless otherwise questionable. BEM 554, p. 13. Each of these expenses is deducted from the household gross income to equal the Adjusted Gross Income (AGI) of \$██████████ for November 2025 when the medical expenses were budgeted and \$██████████ for December 2025, ongoing after the one-time medical expenses were removed.

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). Petitioner did not dispute the Department's budgeting of \$██████████ for her shelter expense. Next, the heat and utility standard deduction (H/U) of \$682.00 covers all heat and utility costs including cooling except actual utility expenses (repairs or maintenance). BEM 554, p. 16. When a client is not responsible for heating and/or cooling costs, the client may receive individualized 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. 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 (\$██████████ rounded to the nearest dollar) and reduced by 50% of Petitioner's AGI (\$██████████ and \$██████████ respectively—rounded down to the nearest dollar) resulting in an excess shelter cost of \$██████████ for November 2025, and \$██████████ for December 2025, ongoing. *Id.*

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Petitioner's excess shelter cost is then deducted from the AGI for a net income of \$██████. *Id.* A review of the Food Assistance Issuance Table shows that Petitioner is eligible for \$██████ based on a group size of one for November 2025 when her medical expenses were considered and \$██████ for December 2025, ongoing when her one-time medical expenses were removed. BEM 556, p. 6; RFT 260 (October 2025), p. 7. The Department correctly calculated Petitioner's FAP benefit rate.

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 calculated Petitioner's November and December 2025, ongoing FAP benefit rate and considered Petitioner's medical expenses.

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



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. 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

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