



Date Mailed: December 8, 2025
Docket No.: 25-039756
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.: 25-039756

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 December 1, 2025. Petitioner's Authorized Hearing Representative (AHR) [REDACTED] appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Lori Turner, Eligibility Specialist.

ISSUES

Did the Department properly determine Petitioner's State Emergency Relief (SER) and Food Assistance Program (FAP) eligibility?

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 was an ongoing FAP recipient. Petitioner was also an ongoing Medical Assistance (MA) recipient under the limited coverage Plan First (PF) MA category.
2. On [REDACTED] 2025, Petitioner submitted an SER application for assistance with her heat and electric utilities. Petitioner's application for SER resulted in an update to her FAP benefit case.
3. Petitioner's household consisted of herself and her minor child.
4. Petitioner had income from employment.
5. On October 17, 2025, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for energy services was approved (Exhibit A, pp. 8-11). The Department notified Petitioner that it would contribute \$ [REDACTED] toward Petitioner's electric utility and that she had a copayment of \$618.46. Petitioner was also advised that the Department would contribute \$ [REDACTED] to Petitioner's heat utility with a \$0 copayment.

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6. On October 24, 2025, the Department sent Petitioner a Notice of Case Action informing her that she was approved for FAP benefits in the amount of \$24 effective November 1, 2025, ongoing (Exhibit A, pp. 13-17).
 7. Petitioner remained eligible for MA benefits under the limited coverage Plan First (PF) MA category.
 8. On November 3, 2025, Petitioner submitted a request for hearing disputing the Department's actions regarding her MA, FAP and SER benefits.

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).

FAP

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 was an ongoing FAP recipient. On [REDACTED] 2025, Petitioner submitted an application for SER benefits, which updated her FAP benefit case. The Department determined that Petitioner was eligible for FAP benefits in the amount of \$24 per month. The Department presented a FAP budget to establish the calculation of Petitioner's FAP benefit amount (Exhibit A, pp. 26-28).

All countable earned and unearned income available to the client must be considered in determining a client's eligibility for program benefits and group composition policies specify whose income is countable. BEM 500 (July 2017), 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 (October 2017), pp. 1-2. 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. 5-6. A standard monthly amount must be determined for each income source used in the budget. BEM 505, pp. 7-8. Income received biweekly is converted to a standard amount by multiplying the average of the biweekly pay amounts by the 2.15 multiplier. BEM 505, pp. 7-9. Income received weekly is multiplied by a 4.3 multiplier. BEM 505, pp. 7-9.

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Income received twice per month is added together. BEM 505, pp. 7-9. An employee's wages include salaries, tips, commissions, bonuses, severance pay and flexible benefit funds not used to purchase insurance. The Department counts gross wages in the calculation of earned income. BEM 501 (January 2020), pp. 6-7.

Per the budget provided, the Department included \$[REDACTED] in earned income in Petitioner's FAP budget. The Department presented pay statements showing Petitioner was paid on September 12, 2025, in the gross amount of \$[REDACTED] and on September 26, 2025, in the gross amount of \$[REDACTED]. When averaging the two payments and multiplying by the 2.15 multiplier it results in a standard monthly income amount of \$[REDACTED]. It is unclear how the Department obtained the \$[REDACTED] figure. However, the error is harmless as it is in Petitioner's favor.

When calculating child support income, the Department uses the monthly average of the child support payments received in the past three calendar months, unless changes are expected. BEM 505 (October 2017), p. 4. If there are known changes that will affect the amount of the payments in the future, the Department will not use the previous three months. BEM 505, p. 4. If the past three months' child support is not a good indicator of future payments, the Department will calculate an expected monthly amount for the benefit month based on available information and discussion with the client. BEM 505, p. 5.

The Department included \$[REDACTED] in unearned income in Petitioner's FAP budget. The Department testified that Petitioner received child support in July 2025, in the amount of \$[REDACTED] and in August and September 2025, she received \$0. Petitioner's three-month total of \$[REDACTED] in child support divided by three is \$[REDACTED]. Therefore, the Department properly determined Petitioner's unearned income.

The deductions to income on the net income budget were also reviewed. There was no evidence presented that Petitioner's group includes a senior/disabled/veteran (SDV) household member. BEM 550 (January 2017), pp. 1-2. Thus, the group is eligible for the following deductions to income:

- Dependent care expense.
- Excess shelter.
- Court ordered child support and arrearages paid to non-household members.
- Standard deduction based on group size.
- An earned income deduction equal to 20% of any earned income.

BEM 554 (January 2020), p. 1; BEM 556 (January 2020), p. 3.

The Department will reduce the gross countable earned income by 20 percent and is known as the earned income deduction. BEM 550 (January 2022), p.1. The Department correctly determined Petitioner is entitled to an earned income deduction of \$647. Petitioner's FAP benefit group size of two justifies a standard deduction of \$209. RFT

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255 (October 2022), p. 1. There was no evidence presented that Petitioner had any out-of-pocket dependent care or child support expenses. Therefore, the budget properly excluded any deduction for dependent care or child support expenses.

In calculating the excess shelter deduction of \$344, the Department stated that it considered Petitioner's verified housing expense of \$857.31 and that she was responsible for a monthly heating expense, entitling her to the heat/utility standard of \$682. BEM 554, pp. 14-15. The Department testified when calculating Petitioner's excess shelter amount, they added the total shelter amount and subtracted 50% of the adjusted gross income. Petitioner's excess shelter deduction was properly calculated at \$344 per month.

The FAP benefit group's net income is determined by taking the group's adjusted gross income and subtracting the allowable excess shelter expense. After subtracting the allowable deductions, the Department properly determined Petitioner's adjusted gross income to be \$[REDACTED]. Petitioner's adjusted gross income subtracted by the \$344 excess shelter deduction results in a net income of \$[REDACTED]. A chart listed in RFT 260 is used to determine the proper FAP benefit issuance based on the net income and group size. Based on Petitioner's net income and group size, Petitioner's FAP benefit issuance is \$24. Therefore, the Department properly calculated Petitioner's FAP benefit amount.

MA

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner submitted a request for hearing disputing the Department's determination that she was not eligible for full coverage MA benefits. Upon review, Petitioner had been previously approved for full coverage MA benefits until April 2024. (Exhibit A, p. 37). On January 16, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that she was no longer eligible for full coverage MA benefits (Exhibit A, pp. 29-32). Petitioner was receiving benefits under the limited coverage PF category through the date of the request for hearing which was submitted on November 3, 2025.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). BAM 600 (April 2017), p. 2. Moreover, Department policy provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. BAM 600, p. 6.

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The Department did not act upon Petitioner's MA coverage in the 90 days prior to Petitioner's request for hearing. The Department sent Petitioner notice of the change to her MA benefit case on January 16, 2024. Petitioner did not submit a request for hearing disputing the Department's actions until November 3, 2025, which is beyond the 90-day time limit. Therefore, Petitioner's request for hearing regarding her MA benefit case is **DISMISSED**.

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner submitted an application for SER benefits for assistance with her heat and electric. Petitioner's heat and electric utilities are both serviced by DTE (Exhibit A, p. 42). The Department approved Petitioner's request for SER benefits. The Department notified Petitioner that it would contribute \$[REDACTED] toward Petitioner's electric utility and that she had a copayment of \$618.46. Petitioner was also advised that the Department would contribute \$[REDACTED] to Petitioner's heat utility with a \$0 copayment. Petitioner disputed the Department's determination regarding the \$618.46 copayment for the electric utility. Petitioner also disputed the Department's determination that Petitioner was only eligible for \$[REDACTED] for the heat utility.

Effective October 1, 2025, the fiscal year cap for non-heat electric is \$600 per year. ERM 301, p. 13. The fiscal year cap for natural gas is \$600. ERM 301, p. 12. When the group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. ERM 301, p. 3. The energy request should be processed using the past due or shut-off amount, whichever is the most advantageous. ERM 301, p. 3.

Review of Petitioner's utility bill shows a total past-due amount of \$[REDACTED]; however, the bill does not specify how much of that amount is attributable to each utility. The Department testified that it contacted DTE on November 14, 2025, to verify the past-due amount for the gas utility at the time of application. DTE reported that it could not access the amount as of the application date because a new billing cycle had begun. On November 14, 2025, the past-due amount for the gas utility was \$[REDACTED].

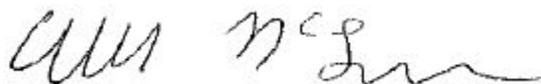
Because the Department is prohibited from contributing more than \$600 toward Petitioner's electric utility, it acted in accordance with policy in limiting its electric contribution to that amount. Further, because the allocation of the past-due balance between heat and electric could not be determined from the bill, and Petitioner provided no evidence to clarify the issue, there is no basis to conclude that the Department erred when it contributed \$[REDACTED] toward the heating utility and attributed the remaining past-

due amount to the electric utility. Accordingly, the Department acted in accordance with policy in determining Petitioner's SER eligibility.

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 FAP and SER eligibility. Accordingly, the Department's decision is **AFFIRMED**

Petitioner's request for hearing related to MA is **DISMISSED**.



**ELLEN MCLEMORE
ADMINISTRATIVE LAW JUDGE**

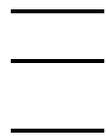
APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative 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.

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Via Electronic Mail:

Respondent

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8655 GREENFIELD RD
DETROIT, MI 48228

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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Rep

[REDACTED]
[REDACTED] MI [REDACTED]