



Date Mailed: December 10, 2025

Docket No.: 25-040015

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

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

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

Date Mailed: December 10, 2025

Docket No.: 25-040015

Case No.: [REDACTED]

Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held via Microsoft Teams on December 1, 2025. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Princess Ogundipe, supervisor.

ISSUE

The issue is whether MDHHS properly determined Petitioner's 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. On [REDACTED] 2025, Petitioner submitted redetermination documents to MDHHS reporting a responsibility for Medicare premiums and an internet obligation.
2. In July 2025, MDHHS issued \$245 in FAP benefits to Petitioner.
3. As of July 2025, Petitioner was a disabled individual receiving [REDACTED] in ongoing gross monthly Retirement, Survivors, Disability Insurance (RSDI).
4. On July 8, 2025, Petitioner reported to MDHHS biweekly housing costs of \$770 and the recent starting of [REDACTED] in weekly unemployment compensation benefits (UCB). Petitioner also reported having no utility obligations other than telephone.
5. On July 8, 2025, MDHHS determined Petitioner to be eligible for \$23 in FAP benefits beginning August 2025 based on housing expenses of \$1,540, no internet expense, and Petitioner's projected UCB benefits converted to [REDACTED] per month.
6. As of August 2025, Petitioner had no child support or dependent care expenses.

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7. On 8/25/25, Petitioner reported to MDHHS that UCB was not regularly received.
 8. On August 30, 2025, Petitioner requested a hearing to dispute FAP eligibility.

CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute FAP eligibility. Exhibit A, p. 4. Petitioner's testimony disputed her eligibility for July and August 2025.¹

Concerning July 2025, Petitioner contended she received only \$23 in FAP benefits. Documentation of Petitioner's FAP benefit history listed a \$245 issuance to Petitioner for July 2025 on July 19, 2025. Exhibit B, p. 1. Petitioner presented no corroborating evidence of receiving \$23 in FAP benefits for July 2025. The evidence established that Petitioner received \$245 in FAP benefits in July 2025.

Concerning August 2025, MDHHS issued Petitioner \$23 in FAP benefits. Exhibit B, p. 1. A Notice of Case Action dated July 8, 2022, stated that Petitioner was eligible for \$23 beginning August 2025.

FAP benefit amounts are determined by a client's net income as calculated by MDHHS policy. BEM 556 outlines the factors and calculations required to determine a client's net income for purposes of FAP benefits. Net income is based on group size, countable monthly income, and relevant monthly expenses. MDHHS presented FAP budget documentation listing FAP eligibility factors and calculations. Exhibit A, pp. 19-20. During the hearing, most relevant budget factors were discussed with Petitioner.

MDHHS factored a benefit group including only Petitioner. Petitioner did not dispute the FAP benefit group size of one person.²

It was not disputed that Petitioner received ██████ in monthly gross RSDI. Exhibit A, pp. 28-31. For FAP benefits, gross RSDI is countable. BEM 503 (January 2023) p. 29. MDHHS properly factored Petitioner's RSDI as ██████

¹ After Petitioner requested a hearing, MDHHS issued Petitioner a supplement of \$83 for September 2025 and determined ongoing FAP eligibility of \$24 beginning October 2025. If Petitioner disputes ongoing FAP eligibility, she may separately request a hearing.

² See BEM 212 for policies on determining group size for FAP benefits.

MDHHS factored UCB for Petitioner of █████ in determining FAP eligibility. MDHHS testified it calculated UCB from Petitioner's statements during an interview on July 8, 2025. Exhibit A, pp. 21-27. MDHHS documented that Petitioner reported █████ in weekly UCB. The documentation was consistent with Petitioner's submission of a screenshot from her UCB account received by MDHHS on July 5, 2025, listing an approval for UCB of █████ for a benefit year beginning June 29, 2025. Exhibit A, p. 32. MDHHS converts stable or fluctuating weekly income to a monthly amount by multiplying the average income by 4.3. BEM 505 (October 2023) p. 8. Multiplying Petitioner's average weekly UCB by 4.3 results in a total gross monthly income of █████

Petitioner contended that the August 2025 budget was erroneous because ongoing weekly UCB of █████ was not consistent with actual UCB received. MDHHS responded that it updated Petitioner's UCB beginning September 2025 after Petitioner reported on August 19, 2025, that her UCB was erratically issued. Petitioner expressed displeasure with MDHHS's evidence but did not specifically allege an earlier change reporting date.

Changes which result in a benefit increase in the household's benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date. BAM 220 (October 2025) p. 8. A supplemental issuance may be necessary in some cases. *Id.* Based on Petitioner's reporting date of August 19, 2025, MDHHS properly processed the change beginning September 2025.

Given the evidence, MDHHS properly counted █████ in UCB for August 2025. Adding Petitioner's RSDI and UCB results in a total unearned income of █████ the same amount calculated by MDHHS.

MDHHS uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554 (January 2025) p. 1. For groups without a senior (over 60 years old), disabled or disabled veteran (SDV) member, MDHHS factors the following expenses: shelter (housing and utilities) up to a capped amount, dependent care, and court-ordered child support including arrearages paid to non-household members. *Id.* 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 standard medical deduction (SMD) of \$165. *Id.*, p. 9. If the group has actual medical expenses which are more than the SMD, the group has the option to verify their actual expenses instead of receiving the SMD. *Id.*

Petitioner acknowledged having no child support and/or dependent expenses. Medical expenses were not discussed though Petitioner alleged having to pay for Medicare premiums on her redetermination documents received by MDHHS on June 7, 2025. Presented budget documents verified that MDHHS issued a medical expense credit of \$165.³ MDHHS presumably issued the SMD based on Petitioner's reporting. Petitioner's non-shelter expenses were \$165.

³ The medical expense was not listed on the FAP approval notice date July 8, 2025.

Petitioner's FAP benefit group size justifies a standard deduction of \$204 (see RFT 255). The standard deduction is given to all FAP benefit groups, though the amount varies based on the benefit group size. The standard deduction and countable non-shelter expenses are subtracted from the countable monthly income to calculate the group's adjusted gross income. Subtracting the standard deduction (\$204) and countable non-shelter expenses (\$165) from the group's countable income [REDACTED] results in an adjusted gross income of [REDACTED]

MDHHS credited Petitioner with monthly housing expenses of \$1,540. MDHHS documented that Petitioner reported paying \$770 in biweekly motel costs during an interview on July 8, 2025.⁴ Exhibit A, pp. 20-27. Presumably, MDHHS budgeted the expenses by doubling the biweekly amount. Petitioner testified her housing expenses varied during a particularly challenging time of homelessness. Petitioner also testified that she paid \$400 in weekly expenses at one point. Petitioner left the hearing before it was learned if Petitioner reported the change to MDHHS. The evidence did not establish that Petitioner reported to MDHHS an increase in housing expenses after July 8, 2025.

MDHHS converts all expenses to a nonfluctuating monthly amount. BEM 554 (June 2025) p. 3. For biweekly expenses, MDHHS is to convert biweekly expenses to a monthly amount by multiplying the amount by 2.15. *Id.*, pp. 3-4. Multiplying Petitioner's biweekly expenses of \$770 by 2.15 results in a monthly amount of \$1,655: \$125 more than the amount budgeted by MDHHS.

The evidence established that MDHHS failed to properly calculate Petitioner's housing expenses for August 2025. Thus, Petitioner is entitled to a reprocessing of FAP eligibility for August 2025.

Concerning utilities, MDHHS only credited Petitioner with the standard utility credit of \$30 (see RFT 255). Petitioner acknowledged not paying for utilities other than telephone. Accordingly, Petitioner was entitled to the only standard telephone credit of \$30.

MDHHS did not issue Petitioner a standard credit for internet expense. Petitioner reported having an internet expense on redetermination documents received by MDHHS on June 7, 2025. Exhibit A, pp. 14-16. MDHHS's interview documents did not explain why an internet obligation credit was not issued. The evidence did not establish that Petitioner should have received the credit, but it also did not establish that it was properly denied. Because MDHHS must reprocess Petitioner's eligibility, Petitioner's reported responsibility for internet expenses should be considered in the reprocessing.

⁴ During the hearing, MDHHS was asked about documentation for the \$770 expense. The undersigned responded with frustration as MDHHS referenced a fifth (it may have been the fourth) different housing expense. The response was to MDHHS's failure to address the question of verification for the \$1,540 in costs. The undersigned apologizes to both parties for the unjudicial response.

Adding the housing, utility, and internet expenses calculated by MDHHS result in total shelter expenses of \$1,570. MDHHS only credits FAP benefit groups with an “excess shelter” expense. The expense is calculated by subtracting half of Petitioner’s adjusted gross income from Petitioner’s total shelter obligation. Petitioner’s excess shelter expense was calculated by MDHHS to be \$681.

The FAP benefit group’s net income is determined by subtracting the excess shelter expense from the group’s adjusted gross income. MDHHS calculated a net income for Petitioner of [REDACTED]. A chart is used to determine the proper FAP benefit issuance.⁵ RFT 260 (October 2025) pp. 1-5. Based on Petitioner’s group size and net income calculated by MDHHS, Petitioner’s proper FAP issuance for August 2025 would be \$23 if housing and internet expenses were calculated correctly.

Based on MDHHS’s failure to correctly calculate Petitioner’s housing expenses, Petitioner is entitled to a reprocessing of benefits for August 2025. As discussed above, Petitioner’s reported internet expenses should also be factored due to the evidence not establishing that Petitioner was not responsible for internet. A third consideration in reprocessing is Petitioner’s actual income from UCB.

A FAP group’s financial eligibility and monthly benefit amount are determined using actual income (income that was already received) and prospected income amounts (not received but expected). BEM 505 (June 2025) p. 1. It was found above that MDHHS properly projected Petitioner’s UCB based on the information it had as of July 8, 2025: the date of benefit redetermination and subsequent reporting. Because MDHHS must reprocess Petitioner’s FAP eligibility beginning August 2025, it is now proper to use Petitioner’s actual UCB received. Petitioner’s actual UCB, not projected, should be factored in the yet to be completed reprocessing beginning August 2025.

⁵ FAP eligibility can also be calculated by multiplying the net income by 30% and subtracting the amount from the maximum FAP issuance for the group.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly determined Petitioner's FAP eligibility. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

(1) Redetermine Petitioner's FAP eligibility beginning August 2025 subject to the following findings:

- a. MDHHS improperly determined Petitioner's biweekly housing costs of \$770 by failing to convert the expenses to a monthly amount;
- b. MDHHS did not establish that it properly denied Petitioner's reported internet expense obligation; and
- c. MDHHS is to use Petitioner's actual UCB now that actual income amounts are available; and

(2) Issue notice and supplements, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.



CHRISTIAN GARDOCKI
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

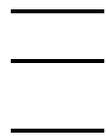
- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639

25-040015

Lansing Michigan 48909-8139

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25-040015



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