



Date Mailed: January 2, 2026
Docket No.: 25-040181
Case No.: [REDACTED]
Petitioner: [REDACTED]

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This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

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

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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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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 17, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rachel Meade, Hearing Coordinator (HC).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-43 and Petitioner's additional documentation was admitted as Exhibit 1, pp. 1-34; Exhibit 2, pp. 1-2; and Exhibit 3, p. 1.

As discussed during the hearing proceeding, Petitioner's October 27, 2025 hearing request was only timely filed to contest the FAP determination from the October 9, 2025 Notice of Case Action. There is no jurisdiction to address case actions that occurred more than 90 days prior to the date the hearing request was filed. The documentary evidence shows that Petitioner was provided written notice of the prior case action and did not file a hearing request within 90 days of that action. See Order of Dismissal For Lack of Jurisdiction for MOAHR Docket No. 25-037372.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (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 October 9, 2025, Petitioner submitted a Shelter Verification showing a monthly shelter obligation of \$353.00. (Exhibit A, pp. 11-12)
2. On October 9, 2025, a Notice of Case Action was issued to Petitioner stating his FAP benefits would increase to \$261.00 per month effective November 1, 2025, and showing the shelter expense of \$353.00 was included in the FAP budget. (Exhibit A, pp. 13-17)

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3. On October 27, 2025, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. Hearing Request, unnumbered pages)
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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. The Department counts the gross benefit amount of Retirement, Survivors, and Disability Insurance (RSDI) as unearned income. BEM 503, October 1, 2025, p. 31. The Department counts the gross benefit amount of current Supplemental Security Income (SSI) as unearned income. BEM 503, October 1, 2025, p. 36.

For FAP, a shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. BEM 554, (November 1, 2025), p. 15. The heat/utility (h/u) standard covers all heat and utility costs including cooling, except actual utility expenses, for example, installation fees etc. FAP groups that qualify for the h/u standard do not receive any other individual utility standards. FAP groups whose heat is included in their rent may still qualify for the h/u standard. Some additional ways include but are not limited to, receipt of the Home Heating Credit (HHC) or a Low Income Home Energy Assistance Payment (LIHEAP). The amount of either payment must be greater than \$20 in the month of application or in the immediately preceding 12 months prior to the application month. BEM 554, pp. 19-20. FAP groups who pay for cooling (including room air conditioners) are eligible for the h/u standard if, they have the responsibility to pay for non-heat electric. BEM 554 pp. 21-22. FAP groups not eligible for the h/u standard who have other utility expenses or contribute to the cost of other utility expenses are eligible for the individual utility standards. Use the individual standard for each utility the FAP group has responsibility to pay. BEM 554 p. 27.

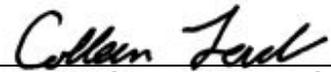
In this case, on October 9, 2025, Petitioner submitted a Shelter Verification showing a monthly shelter obligation of \$353.00. (Exhibit A, pp. 11-12). On October 9, 2025, a Notice of Case Action was issued to Petitioner stating his FAP benefits would increase to \$261.00 per month effective November 1, 2025, and showing the shelter expense of \$353.00 was included in the FAP budget. (Exhibit A, pp. 13-17). The FAP budget summary for the October 9, 2025 determination was reviewed with Petitioner and no errors were identified. (Petitioner Testimony). Overall, the evidence shows that the

Department properly re-determined Petitioner's eligibility for FAP benefits when the verification of the shelter expense was submitted.

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 eligibility for FAP benefits.

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



COLLEEN LACK
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

25-040181

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

JACKSON COUNTY DHHS
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JACKSON, MI 49201

MDHHS-JACKSON-HEARINGS@MICHIGAN.GOV

Via First Class Mail:

Petitioner

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