

**Date Mailed:** February 4, 2026

**Docket No.:** 25-040317

**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 February 2, 2026. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Michael Butler, manager.

**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 applied for FAP benefits and reported a household including Petitioner's [REDACTED]-year-old son, [REDACTED] (hereinafter, "Son").
2. As of October 2025, Petitioner was a disabled individual receiving [REDACTED] in ongoing gross monthly Retirement, Survivors, Disability Insurance (RSDI), [REDACTED] in Supplemental Security Income (SSI), and [REDACTED] in averaged monthly State Supplemental Payments (SSP).
3. As of October 2025, Son was a disabled individual receiving [REDACTED] in SSI and [REDACTED] in averaged monthly SSP.
4. As of October 2025, Son received an average of [REDACTED] in child support from July through September 2025.
5. As of October 2025, Petitioner and Son had no reported medical, child support, or dependent care expenses.

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6. As of October 2025, Petitioner paid \$1,100 for monthly housing expenses and was responsible for heating and/or cooling expenses.
  7. On October 29, 2025, MDHHS approved Petitioner for \$22 in monthly FAP benefits in October 2025 and \$24 in FAP benefits beginning November 2025.
  8. On November 6, 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, pp. 3-7. Petitioner applied for FAP benefits on [REDACTED] 2025.<sup>1</sup> Exhibit A, pp. 8-14. A Notice of Case Action dated October 29, 2025, stated that Petitioner was approved for \$22 in FAP benefits in October 2025 and \$24 in FAP benefits beginning November 2025. Exhibit A, pp. 41-47.

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 FAP benefits. Net income is based on group size, countable monthly income, and relevant monthly expenses. MDHHS presented FAP budgets listing all eligibility factors and calculations. Exhibit A, pp. 38-40. A budget summary from the approval notice also listed FAP budget factors. Exhibit A, p. 42. During the hearing, all relevant FAP budget factors were discussed with Petitioner.

MDHHS factored a benefit group including Petitioner and his minor child. Petitioner testified that he buys and prepares food separately because he must eat different food from his child due to medical issues. Children under 22 years old who reside with a parent are mandatory FAP benefit group members with their parent. BEM 212 (June 2025) p. 1. MDHHS correctly factored a group size of two people.

Social Security Administration documents verified that Petitioner and Son received respective monthly gross SSI of [REDACTED] and [REDACTED] Exhibit A, pp. 23-24 and 27-28. Each also received [REDACTED] in quarterly SSP, a monthly average of [REDACTED] Petitioner additionally received [REDACTED] in RSDI. Exhibit A, pp. 25-26. For FAP, MDHHS is to count a gross SSI

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<sup>1</sup> MDHHS received Petitioner's application on October 2, 2025. MDHHS properly registered the application as received on [REDACTED] 2025, because the application was submitted after MDHHS's business hours. BAM 110 (January 2025) p. 6.

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benefit. BEM 503 (January 2025) p. 36. For FAP, MDHHS is to count gross SSP benefits. *Id.*, p. 38. For FAP, MDHHS generally counts gross monthly RSDI.<sup>2</sup> *Id.*, p. 31.

Son also received income from child support. Child support is countable income to the child for whom the support is paid. BEM 503 (June 2025) p. 9. MDHHS is to calculate child support by averaging the last three full months paid, unless changes are expected. BEM 505 (June 2025) p. 5. MDHHS presented documentation of support paid for Son from a data exchange with the Friend of the Court. From July through September 2025, Son received respective support of ██████████ ██████████ and ██████████ for a monthly average of ██████████ (dropping cents). Adding the RSDI, SSI, SSP, and child support results in a total countable gross income of ██████████

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 did not allege having child support, dependent care, or medical expenses. Petitioner's group's non-shelter expenses total \$0.

Petitioner's FAP benefit group size justifies a standard deduction of \$209 (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 (\$209) from the group's countable income ██████████ results in an adjusted gross income of ██████████

MDHHS credited Petitioner with monthly housing expenses of █1,100. Petitioner did not allege additional housing expenses. MDHHS credited Petitioner with the standard heating/utility (h/u) credit of \$682. RFT 255 (October 2025) p. 1. Generally, the h/u credit covers all utility expenses and is the maximum credit available for utilities.<sup>3</sup> Petitioner's shelter credits (housing + utilities) total \$1,782.

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<sup>2</sup> Exceptions to counting gross RSDI include the following: certain former SSI recipients (e.g., disabled-adult children, 503 individuals, and early widowers), retroactive RSDI benefits, Medicare premium refunds, fee deductions made by qualified organizations acting as payee, and "returned benefits" (see BAM 500). No known exceptions were applicable to the present case.

<sup>3</sup> MDHHS allows additional credits for "actual utility expenses". Such expenses are only allowed for utility installation charges, water well installation and maintenance, and septic installation and maintenance. BEM 554 (October 2019) p. 15. There was no evidence of applicable exceptions.

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 is \$480.

Petitioner testified that he must eat different food from Son because he does not have a colon or gall bladder. Petitioner also testified that Son participates in school remotely; thus, he Petitioner must provide more meals for Son than children receiving school meals. Petitioner contended he should receive additional FAP benefits because of his circumstances. MDHHS does not allow for budget credits because a parent eats different food from a child or because a child receives an education remotely.

The FAP benefit group’s net income is determined by subtracting the excess shelter expense from the group’s adjusted gross income; doing so results in [REDACTED] in net income for Petitioner’s group. A chart is used to determine the proper FAP benefit issuance.<sup>4</sup> RFT 260 (October 2025) pp. 1-5. Based on Petitioner’s group size and net income, Petitioner’s proper FAP benefit for November 2025 is \$24: the same benefit calculated by MDHHS.

Concerning October 2024, MDHHS issued only \$22 in FAP benefits based on Petitioner’s application date of [REDACTED] 2025. MDHHS prorates benefits in the application month based on the application date and days in the application month (see BEM 554). Multiplying the non-prorated FAP benefit amount of \$24 by the number of days left in the month starting with the application date (29) and dividing by the number of days in the month (31) results in a prorated benefit amount of \$22 (dropping cents): the same amount calculated by MDHHS. Given the evidence, MDHHS properly determined Petitioner’s FAP eligibility.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly determined Petitioner to be eligible for \$22 in FAP benefits for October 2025 and \$24 in FAP beginning November 2025. The actions taken by MDHHS are **AFFIRMED**.

  
**CHRISTIAN GARDOCKI**  
**ADMINISTRATIVE LAW JUDGE**

<sup>4</sup> 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.

**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](https://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.

