



Date Mailed: December 23, 2025
Docket No.: 25-041084
Case No.: [REDACTED]
Petitioner: [REDACTED]

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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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Docket No.: 25-041084

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 10, 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. 1-86.

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 [REDACTED] 2025, Petitioner applied for FAP and medical benefits for her household. The listed household members were Petitioner, a living together partner (LTP), and three children (EM, ZA, and LA). The relationships section indicated Petitioner was the mother of EM and the LTP was the father of ZA and LA. Employment income was reported for Petitioner and the LTP. (Exhibit A, pp. 1-11)
2. On August 21, 2025, a pay log was submitted for Petitioner's LTP, but the employer's name was missing. (Exhibit A, p. 12)
3. Three children of the LTP, including ZA and LA, were already associated with their mother's FAP case. (Exhibit A, Hearing Summary)
4. On August 25, 2025, Verifications of Student Information were received for the three children of the LTP for the children's mother's case. The verification forms were signed by the school and stated LA and ZA resided with their mother and the

third child was not currently enrolled. It was noted that there had only been three days of the school year so far. (Exhibit A, pp. 13-18)

5. On August 27, 2025, an interview was completed with Petitioner. Petitioner reported EM was her daughter and the LTP was the father of LA and ZA. It was reported that EM spends 15 overnights with Petitioner. It was reported that LA and ZA are always in Petitioner's home. (Exhibit A, Hearing Summary and pp. 19-27)
6. On August 27, 2025, verification of employment income for Petitioner's household was received. (Exhibit A, Hearing Summary and pp. 28-34)
7. On August 27, 2025, a Notice of Case Action was issued to Petitioner denying FAP benefits as of August 13, 2025, because the household income exceeded the gross and net income limits. It was also noted that FAP benefits were denied on this case for EM because Petitioner is not the primary caretaker; and for LA and ZA because they are eligible for FAP on another case. (Exhibit A, pp. 35-39)
8. On [REDACTED] 2025, Petitioner applied for FAP and medical benefits for her household. The listed household members were Petitioner, a living together partner (LTP), and three children (EM, ZA, and LA). The relationships section indicated Petitioner was the mother of EM and the LTP was the father of ZA and LA. Employment income was reported for Petitioner and the LTP. It was reported that Petitioner's employment recently stopped because the person she was a caregiver for had surgery and was currently a resident in a medical care facility. (Exhibit A, pp. 40-51)
9. On October 24, 2025, a pay log was submitted for Petitioner's LTP but the employer's name was missing. (Exhibit A, p. 52)
10. On October 27, 2025, an interview was completed with Petitioner. Petitioner reported EM was her daughter and the LTP was the father of LA and ZA. It was reported that EM spends 15 overnights with Petitioner and 15 overnights with her father. It was reported that LA and ZA are always in Petitioner's home and do not spend any overnights with their mother. (Exhibit A, pp 53-62)
11. On October 27, 2025, an Order Regarding Custody and Parenting Time dated July 21, 2025 was received indicating the LTP had primary physical custody as parenting time was ordered for the children's mother for six hours on Tuesdays and Thursdays. (Exhibit A, Hearing Summary and pp. 63-64)
12. On October 27, 2025, verification of employment income for Petitioner's household was received. (Exhibit A, Hearing Summary and pp. 65-67)
13. On October 27, 2025, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of two for October 10, 2025 to October 31, 2025, and denying FAP benefits effective November 1, 2025 due to income in excess of program limits. It was noted that FAP benefits for EM were

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denied on this case because Petitioner is not the primary caretaker and for LA and ZA because they are eligible for FAP on another case. (Exhibit A, pp. 68-73)

14. On October 29, 2025, Petitioner verbally requested a hearing contesting the Department's determination. (Exhibit A, Hearing Request)
15. On November 3, 2025, the Department made a collateral contact with the Friend of the Court regarding the Order Regarding Custody and Parenting Time and confirmed it pertained to all three children of the LTP. (Exhibit A, Hearing Summary and p. 74)
16. On November 5, 2025, two of the children were removed from their mother's FAP case and a Notice of Case Action was issued to Petitioner approving FAP benefits for a household of four effective December 1, 2025. (Exhibit A, Hearing Summary and pp. 75-82)

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 general, verification is to be obtained when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, May 1, 2024, pp. 1-4.

For FAP, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. Verifications are considered to be timely if received by the date they are due. The Department is to send a negative action notice when the client indicates refusal to provide a verification, or the time period

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given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, May 1, 2024, p. 7.

For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, assist the client with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determined based on their compliance date if they return required verifications. Re register the application if the client complies within 60 days of the application date; see Subsequent Processing in BAM 115. BAM 130, pp. 7-8.

Regarding discrepancies, the BAM 130 policy specifies that before determining eligibility, the Department is to give the client a reasonable opportunity to resolve any discrepancy between their statements and information from another source. BAM 130, p. 9. Parents and their children under 22 years of age who live together must be in the same FAP group regardless of whether the child(ren) have their own spouse or child who lives with the group. BEM 212, June 1, 2025, p. 1. The primary caretaker is the person who is primarily responsible for the child's day-to-day care and supervision in the home where the child sleeps more than half of the days in a calendar month, on average, in a twelve-month period. BEM 212, p. 2.

When a child spends time with multiple caretakers who do not live together such as joint physical custody, parent/grandparent, etc., determine a primary caretaker. Only one person can be the primary caretaker and the other caretaker(s) is considered the absent caretaker(s). The child is always in the FAP group of the primary caretaker. If the child's parent(s) is living in the home, they must be included in the FAP group. BEM 212, p. 3. If the child spends virtually half of the days in each month, averaged over a twelve-month period with each caretaker, the caretaker who applies and is found eligible first, is the primary caretaker. The other caretaker(s) is considered the absent caretaker(s). BEM 212, p. 4.

In this case, Petitioner applied for FAP benefits for her household on August 13, 2025. The listed household members were Petitioner, a living together partner (LTP), and three children (EM, ZA, and LA). The relationships section indicated Petitioner was the mother of EM and the LTP was the father of ZA and LA. (Exhibit A, pp. 1-11). The three children were already associated with their mother's FAP case. (Exhibit A, Hearing Summary). Three children of the LTP, including ZA and LA, were already associated with their mother's FAP case. (Exhibit A, Hearing Summary).

On August 25, 2025, Verifications of Student Information were received for the three children of the LTP for the children's mother's case. The verification forms were signed by the school and stated LA and ZA resided with their mother and the third child was not currently enrolled. It was noted that there had only been three days of the school year so far. (Exhibit A, pp. 13-18).

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On August 27, 2025, an interview was completed with Petitioner. Petitioner reported EM was her daughter and the LTP was the father of LA and ZA. It was reported that EM spends 15 overnights with Petitioner. It was reported that LA and ZA are always in Petitioner's home. (Exhibit A, Hearing Summary and pp. 19-27).

On August 27, 2025, a Notice of Case Action was issued to Petitioner denying FAP benefits as of August 13, 2025, because the household income exceeded the gross and net income limits. It was also noted that FAP benefits were denied on this case for EM because Petitioner is not the primary caretaker and for LA and ZA because they are eligible for FAP on another case. (Exhibit A, pp. 35-39). However, the evidence does not show that Petitioner was given an opportunity to provide verification regarding where the children of the LTP spend the night before the August 27, 2025 determination was made. Pursuant to the BAM 130 policy, Petitioner should have been given the opportunity to provide verification as the information Petitioner reported on her application contradicted the verification that was submitted for the children's mother's case. It is also not clear from the documentary evidence how the Department determined that Petitioner was not the primary caretaker of her daughter, EM.

Similarly, when Petitioner reapplied for FAP benefits on [REDACTED] 2025, the listed household members were Petitioner, her LTP, and the three children (EM, ZA, and LA). The relationships section indicated Petitioner was the mother of EM and the LTP was the father of ZA and LA. (Exhibit A, pp. 40-51). On October 27, 2025, an interview was completed with Petitioner. Petitioner reported EM was her daughter and the LTP was the father of LA and ZA. It was reported that EM spends 15 overnights with Petitioner and 15 overnights with her father. It was reported that LA and ZA are always in Petitioner's home and do not spend any overnights with their mother. (Exhibit A, pp 53-62). On October 27, 2025, an Order Regarding Custody and Parenting Time dated July 21, 2025 was received indicating the LTP had primary physical custody as parenting time was ordered for the children's mother for six hours on Tuesdays and Thursdays. (Exhibit A, Hearing Summary and pp. 63-64).

On October 27, 2025, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of two for October 10, 2025 to October 31, 2025, and denying FAP benefits effective November 1, 2025 due to income in excess of program limits. It was noted that FAP benefits for EM were denied on this case because Petitioner is not the primary caretaker and for LA and ZA because they are eligible for FAP on another case. (Exhibit A, pp. 68-73). However, on November 3, 2025, the Department made a collateral contact with the Friend of the Court regarding the Order Regarding Custody and Parenting Time and confirmed it pertained to all three children of the LTP. (Exhibit A, Hearing Summary and p. 74). On November 5, 2025, two of the children were removed from their mother's FAP case and a Notice of Case Action was issued to Petitioner approving FAP benefits for a household of four effective December 1, 2025. (Exhibit A, Hearing Summary and pp. 75-82). Accordingly, it appears that the Department did not fully consider the Order Regarding Custody and Parenting Time dated July 21, 2025 when the October 27, 2025 determination was made. It is also not

clear from the documentary evidence how the Department determined that Petitioner was not the primary caretaker of her daughter, EM.

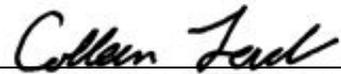
DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner’s eligibility for FAP benefits.

Accordingly, the Department’s decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner’s eligibility for FAP benefits for the August 13, 2025 and October 10, 2025 applications in accordance with Department policy.



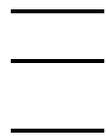
**COLLEEN LACK
ADMINISTRATIVE LAW JUDGE**

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

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
301 E LOUIS GLICK HWY
JACKSON, MI 49201

MDHHS-JACKSON-HEARINGS@MICHIGAN.GOV

Via First Class Mail:

Petitioner

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