



Date Mailed: December 18, 2025
Docket No.: 25-041596
Case No.: [REDACTED]
Petitioner: [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.

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Docket No.: 25-041596

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; 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 hearing was held by telephone on December 15, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Rosemary Molsbee-Smith, Hearings Facilitator and Eligibility Specialist.

ISSUE

Did the Department properly determine and supplement Petitioner's Food Assistance Program (FAP) benefit amount for January, February, and March 2025?

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 recipient of FAP benefits for a one-person FAP group. (Exhibit A, pp. 18 – 19).
2. On November 4, 2024, the Department sent a redetermination application for FAP benefits to Petitioner at her address of record: [REDACTED] Michigan [REDACTED] (Address). The redetermination application indicated a due date of November 25, 2024, and informed Petitioner that her FAP benefits would end on December 31, 2024, if the application was not returned. (Exhibit A, pp. 6 – 12).
3. Petitioner did not return her redetermination application to the Department by December 31, 2024.
4. On [REDACTED], 2025, the Department received a completed application for FAP benefits from Petitioner. Petitioner reported that she received Supplemental Security Income (SSI) of \$ [REDACTED] per month and had no expenses. (Exhibit A, pp. 25 – 31).
5. On January 28, 2025, the Department interviewed Petitioner. Petitioner reported that she received SSI of \$ [REDACTED] per month, paid \$575 per month for housing, and

was responsible for payment of her heat, electric, internet, and other utilities. (Exhibit A, pp. 32 – 38).

6. On January 28, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved her for FAP benefits of \$137 per month, prorated from January 21, 2025, through December 31, 2026, for a one-person FAP group. The budget summary on the NOCA did not reflect Petitioner's housing expense. The NOCA informed Petitioner that if she disputed the Department's action, the Department must receive her request for hearing on or before April 28, 2025. (Exhibit A, pp. 43 – 47).
7. On January 28, 2025, the Department issued Petitioner FAP benefits in the amount of \$48 for an 11-day prorated period of January 21, 2025 to January 31, 2025. (Exhibit A, pp. 39, 61).
8. On February 19, 2025, the Department issued Petitioner FAP benefits in the amount of \$137 for the period of February 1 to February 28, 2025. (Exhibit A, p. 61).
9. On March 19, 2025, the Department issued Petitioner FAP benefits in the amount of \$137 for the period of March 1 to March 31, 2025. (Exhibit A, p. 61).
10. On March 19, 2025, the Department sent Petitioner a NOCA that increased her FAP benefit to \$292 per month effective April 1, 2025, for a one-person FAP group. The NOCA included a budget summary that reflected a \$575 housing expense and informed Petitioner that, if she disputed the Department's action, the Department must receive her request for hearing on or before June 17, 2025. (Exhibit A, pp. 51 – 55).
11. On April 14, 2025, the Department sent Petitioner a NOCA that informed her that she would be issued a FAP benefit supplement of \$210 on April 14, 2025, for the period of January 21, 2025 to March 31, 2025. The NOCA informed Petitioner that if she disputed the Department's action, the Department must receive her request for hearing on or before July 14, 2025 (Exhibit A, pp. 56 – 60).
12. On April 14, 2025, the Department issued Petitioner FAP supplements in the amount of \$55 for the benefit period of January 21 to January 31, 2025, and \$155 for the benefit period of March 1 to March 31, 2025, for a total of \$210. (Exhibit A, p. 61).
13. On May 30, 2025, the Department received a verbal request for hearing from Petitioner. (Exhibit A, p. 62, Serial No. 91).
14. On November 13, 2025, the Department received a request for hearing from Petitioner that disputed the amount of her FAP benefits for January, February, and March 2025. (Exhibit A, p. 4).

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15. On November 20, 2025, the Department issued Petitioner a FAP supplement in the amount of \$155 for the benefit period of February 1 to February 28, 2025. (Exhibit A, p. 61).
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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.

In this case, Petitioner requested a hearing to dispute that the Department pro-rated FAP benefits issued to her for January 2025, and the amount of FAP supplements issued to her by the Department for January, February, and March 2025.

As a preliminary matter, although Petitioner disputed that she did not receive FAP benefits for the full month of January 2025, the evidence and the parties' testimony established that:

- a. Petitioner did not return the redetermination application due for December 2024,
- b. The Department closed Petitioner's FAP case December 31, 2024, for failure to return the redetermination application,
- c. Petitioner reapplied for FAP benefits on [REDACTED] 2025, and
- d. The Department sent Petitioner a NOCA on January 28, 2025, that approved her for FAP benefits effective January 21, 2025, and informed her that if she disputed the Department's action, the Department must have received her request for hearing on or before April 28, 2025.

Pursuant to BAM 600, a client has 90 calendar days from the date of a NOCA to request a hearing to dispute a decision by the Department. BAM 600 (June 2024), pp. 2, 6 – 7, 9 – 10. Although Petitioner testified that she did return the redetermination application for December 2024, because she did not receive it, there was no dispute that the Department approved her for benefits on January 28, 2025, effective January 21, 2025; and there was no evidence that the Department received a written or verbal

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request for hearing from Petitioner on or before April 28, 2025. Thus, because Petitioner did not timely request a hearing to dispute that the effective date of her FAP benefits was January 21, 2025, the undersigned lacks jurisdiction to consider that issue and that portion of Petitioner's request for hearing is dismissed.

However, the record established that Petitioner verbally requested a hearing on May 30, 2025, and submitted a written request on November 13, 2025. There was no evidence that the Department processed Petitioner's May 30, 2025, request for hearing; or that Petitioner's request was submitted to the Michigan Office of Administrative Hearings and Rules (MOAHR) at that time. Therefore, because Petitioner made a verbal request for hearing on May 30, 2025, and the Department did not process it, the undersigned will consider the Department's actions regarding Petitioner's FAP benefits on or after March 1, 2025, the date 90 days prior to Petitioner's verbal request. BAM 600, pp. 6 – 7.

When the regular FAP issuance for the benefit month is less than the client was eligible to receive, the Department must issue supplemental FAP benefits. BAM 406 (January 2022), p. 1. From October 1, 2024 to September 30, 2025, the maximum FAP benefit for a one-person FAP group was \$292 per month. RFT 260 (October 2024), p. 1. However, when a client is initially approved for FAP benefits, the benefits for the first month are prorated based on the date the case was opened and eligibility began. BAM 406, p. 1; BAM 400 (July 2022), p. 5.

On March 19, 2025, the Department discovered that it failed to consider Petitioner's housing expense when it initially determined Petitioner's FAP benefit amount in January 2025, and increased Petitioner's ongoing monthly FAP benefit to \$292 effective April 1, 2025. The Department also issued Petitioner a FAP supplement of \$210 on April 14, 2025, for:

- a. January 21 to January 31, 2025, in the amount of \$55, which increased Petitioner's FAP benefits for the prorated benefit period to \$103; and
- b. March 2025, in the amount of \$155, which increased Petitioner's FAP benefits for that month to \$292.

(Exhibit A, pp. 39, 61).

The Department testified, and Petitioner confirmed, that the Department also issued a FAP supplement to her on November 20, 2025, in the amount of \$155, for February 2025. The November 20, 2025, FAP supplement increased Petitioner's February 2025 FAP benefits for that month to \$292.

There was no dispute that the Department initially erred when it failed to consider Petitioner's housing expense when it determined her monthly FAP benefit amount effective January 21, 2025, and when it failed to issue Petitioner a FAP supplement for February 2025 until November 20, 2025. However, the Department took corrective

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action as required by policy (BAM 115 (October 2024, October 2025), p. 32), and properly:

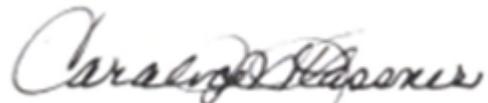
- a. Determined that Petitioner's correct full monthly FAP benefit amount was \$292,
- b. Prorated Petitioner's January 2025 FAP benefit for the 11-day period she was eligible for benefits in that month, and
- c. Issued Petitioner supplemental FAP benefits in the total amount of \$365 for the period of January 21, 2025 to March 31, 2025.

Therefore, the Department acted in accordance with policy when it issued FAP supplements to Petitioner in an amount that increased her FAP benefits to the maximum FAP benefit for a one-person FAP group for the pro-rated period of January 21 to January 31, 2025, and for the full benefit months of February and March, 2025.

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 issued a total of \$365 in supplemental FAP benefits to Petitioner for the period of January 21, 2025 to March 31, 2025.

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



**CARALYCE M. LASSNER
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

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Via First Class Mail:

Petitioner

[REDACTED]
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