



**Date Mailed:** December 22, 2025  
**Docket No.:** 25-041923  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED]  
MI [REDACTED]

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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; 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 17, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Rosemary Molsbee-Smith, Hearing Facilitator and Eligibility Specialist.

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount effective October 1, 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. On July 5, 2025, the Department sent Petitioner a redetermination application for FAP benefits. The application informed Petitioner that:
  - a. She was scheduled for an interview on August 14, 2025,
  - b. Her current FAP benefits would end on August 31, 2025, and
  - c. She must return the application by August 15, 2025, in order to receive uninterrupted, FAP benefits.

(Exhibit A, pp. 8 – 14).

1. On August 14, 2025, the Department contacted Petitioner by telephone to complete the FAP redetermination interview. The interview began but was not completed. (Exhibit A, pp. 27 – 33; p 62, Serial No. 90).
2. On August 19, 2025, the Department contacted Petitioner by telephone regarding her FAP redetermination and interview requirement. (Exhibit A, p. 62, Serial No. 92).

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3. On August 20, 2025, the Department received a renewal application for FAP benefits and MA coverage from Petitioner for herself and her [REDACTED]-year-old daughter, [REDACTED] (Daughter). Petitioner reported that she had income from employment with the [REDACTED] (CTRO) and self-employment, and had no other income. Petitioner reported that she paid rent and listed no other expenses. (Exhibit A, pp. 24 – 26).
  4. On September 23, 2025, the Department received a request for hearing from Petitioner regarding her FAP benefits, and two paystubs for Petitioner from employment with [REDACTED] (FS). (Exhibit A, pp. 4 – 6, 48 – 49).
  5. On September 23, 2025, the Department contacted Petitioner by telephone regarding her employment and income, incomplete interview and interview requirements, and her request for hearing. (Exhibit A, p. 61, Serial No. 101).
  6. On October 3, 2025, the Department received a paystub from Petitioner from her employment with FS for the week ending October 3. (Exhibit a, p. 50).
  7. On October 6, 2025, the Department contacted Petitioner by telephone to complete a pre-hearing conference. The Department reinstated Petitioner's FAP case and interviewed her. Petitioner reported that:
    - a. She returned to work for FS and received her first paycheck on September 5, 2025,
    - b. She works for FS an average of 37.5 hours per week, earns \$[REDACTED] per hour, and is paid bi-weekly,
    - c. She continues to receive \$[REDACTED] in income from CTRO bi-weekly, and
    - d. She received a Home Heating Credit (HHC) in the past 12 months.(Exhibit A, pp. 34 – 41, p. 61, Serial No. 104).
  8. On October 6, 2025, the Department received a withdrawal of request for hearing from Petitioner. (Exhibit A, p. 61, Serial No. 105).
  9. On October 6 and October 7, 2025, the Department sent Petitioner two Verification Checklists (VCL) that requested verification of Petitioner's income from employment. (Exhibit A, pp. 42 – 47).
  10. On October 9, 2025, the Department issued Petitioner FAP benefits of \$318 for the benefit month of September 2025.
  11. On October 9, 2025, the Department approved Petitioner for FAP benefits of \$24 per month for a two-person FAP group effective October 1, 2025, based on \$3,260

in earned income and \$█ in unearned income. (Exhibit A, pp. 57 – 58; p. 60, Serial No. 110).

12. On November 12, 2025, the Department received a request for hearing from Petitioner. (Exhibit A, p. 60, Serial No. 112).

### **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 the amount of her monthly FAP benefit. The Department approved Petitioner for \$24 per month for a two-person FAP group effective October 1, 2025. Petitioner was approved for and received \$318 for the September 2025 benefit month.

To determine whether the Department properly calculated Petitioner's income for purposes of FAP, all countable earned and unearned income available to the Petitioner must be included. BEM 500 (April 2022), pp. 1 – 5. For purposes of FAP, wages are earned income and the Department must prospect and count the gross amount to determine the client's FAP benefit eligibility. BEM 500, pp. 3 – 6; BEM 501 (October 2025), pp. 6 – 7. Prospective income is income not yet received, but expected, and is based on the past 30 days when that income appears to accurately reflect what is expected to be received in the benefit month. BEM 505 (June 2025), pp. 1, 6 – 7. When an income source is starting, the Department uses the best available information to prospect income for the benefit month, which may be based on expected work hours times the rate of pay. BEM 505, p. 8. For the purposes of FAP, the Department must convert income that is received more often than monthly into a standard monthly amount and the average of the bi-weekly income is multiplied by 2.15. BEM 505, pp. 8 – 9.

In this case, the Department introduced a FAP net income budget to explain how it determined Petitioner's monthly FAP benefit effective October 1, 2025. (Exhibit A, p. 57). The Department testified that it calculated Petitioner's earned income based on paychecks and employment verification that it received from Petitioner and the Work Number by Equifax, and disregarded Petitioner's initial paycheck from FS because it

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was not a full paycheck. The Department further testified that when it converted Petitioner's reported income into a standard monthly amount, it determined she had \$[REDACTED] in monthly earned income effective October 1, 2025.

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Petitioner testified that she is a paraprofessional who is employed by FS during the school year and disputed the Department's calculation of her income because she does not work year-round. However, monthly FAP benefits are based on countable, available income for the benefit month being processed. BEM 505, p. 3.

There was no dispute that Petitioner returned to work for FS in September 2025, works an average of 37.5 hours per week, earns \$[REDACTED] per hour, and is paid bi-weekly. There was also no dispute that Petitioner receives income from CTRO in the amount of \$[REDACTED] bi-weekly, and the evidence established that she is considered an employee by CTRO. (Exhibit A, pp. 52 – 54). Based on the income documents presented and testimony of the parties, the Department properly calculated Petitioner's earned income from FS and CTRO and budgeted \$[REDACTED] per month in earned income.

Once Petitioner's countable income has been calculated, the Department must determine whether Petitioner is entitled to any deductions from that income. There was no evidence that Petitioner is senior, disabled, or a disabled veteran (SDV). FAP groups with earned income and no SDV members are entitled to the following deductions:

- A 20% earned income deduction.
- Standard deduction based on group size.
- Dependent care expense.
- Court ordered child support and arrearages paid to non-household members.
- Excess shelter deduction up to the maximum allowed in RFT 255.

BEM 550 (April 2025), p. 1; BEM 554 (October 2025), p. 1; BEM 556 (October 2025), pp. 3 – 6.

Because there was no dispute that Petitioner had no dependent care expense or child support obligations, the Department's budget established that it properly deducted only 20% of Petitioner's earned income and the allowable standard deduction for a two-person FAP group of \$209 from Petitioner's countable income. BEM 550, p. 1; RFT 255 (October 2025).

Next, the Department determines any excess shelter expense deduction. To start, the Department first calculates Petitioner's adjusted gross income (AGI) by subtracting the allowable deductions outlined above from the countable income. Based on the budgeted earned income, Petitioner's total countable income was \$[REDACTED]. Once the Department applied the 20% earned income deduction of \$652, and the standard deduction of \$209, Petitioner's AGI was \$[REDACTED].

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To complete the excess shelter deduction calculation, the Department reviews Petitioner's housing and utility expenses, if any. When a FAP group has heating and other utility expenses, including internet, separate from the mortgage or rent payment, it is entitled to a heat and utility (h/u) standard amount of \$682 to be included in the calculation of the excess shelter deduction, which is the highest amount available to FAP groups who pay utilities. BEM 554, p. 17; RFT 255. FAP groups who have received an HHC or Low-Income Home Energy Assistance Payment (LIHEAP) in an amount greater than \$20 in the certification month or in the immediately preceding 12 months prior to the certification month are also eligible for the h/u standard. BEM 554, p. 19. Once Petitioner's housing and utility expenses have been determined, the Department must add those amounts together for a total shelter amount and then subtract 50% of Petitioner's AGI from the total shelter amount. BEM 556, pp. 5 – 6. This determines Petitioner's excess shelter deduction.

Here, there was no dispute that Petitioner has a housing expense of \$800 per month, she pays for heat and other utilities, and received a HHC within the past 12 months. (Exhibit A, pp. 25, 39; p. 61, Serial No. 104). The Department properly determined that the total of Petitioner's monthly housing of \$800 and the h/u standard of \$682, was \$1,482. (Exhibit A, p. 59). When 50% of Petitioner's \$[REDACTED] AGI, in the amount of \$[REDACTED], was subtracted from the total shelter amount of \$1,482, Petitioner's excess shelter deduction was \$283. When Petitioner's excess shelter deduction of \$283 was subtracted from her AGI of \$[REDACTED], Petitioner's net income was \$[REDACTED].

Once the net monthly income has been determined under the FAP program, the Department determines what benefit amount Petitioner is entitled to, based on the group size, according to the Food Assistance Issuance Table found in RFT 260. Based on Petitioner's two-person FAP group size and net income of \$[REDACTED], the Department properly determined Petitioner's monthly benefit amount of \$24 effective October 1, 2025. RFT 260 (October 2025), p. 30.

During the hearing, Petitioner asserted that there was no substantial change in her income or expenses between September and October 2025 and disputed the reduction in her FAP benefits from \$318 in September to \$24 in October. However, as previously explained, Petitioner resumed her regular employment with FS in September 2025. Based on her income and expenses for October, the Department correctly determined her monthly benefit amount effective October 1, 2025. Additionally, Petitioner did not challenge the September 2025 FAP benefit amount, and the record does not contain sufficient evidence to assess whether the Department properly calculated her benefits for that month.

### **DECISION AND ORDER**

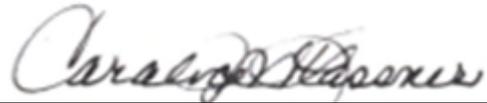
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it determined Petitioner's FAP benefit amount effective October 1, 2025.

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



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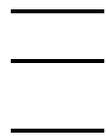
**CARALYCE M. LASSNER**  
**ADMINISTRATIVE LAW JUDGE**

**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](http://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.



**Via Electronic Mail:**

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