



Date Mailed: December 22, 2025
Docket No.: 25-042575
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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

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Date Mailed: December 22, 2025

Docket No.: 25-042575

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 18, 2025. Petitioner was represented by his father, legal guardian, and Authorized Hearings Representative (AHR) [REDACTED]. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Charita Dorsey, Assistance Payments Worker.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit rate?

Did the Department properly deny Petitioner's State Emergency Relief (SER) application?

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 [REDACTED] 2025, the Department issued a State Emergency Relief Decision Notice (SERDN) to Petitioner informing him that his application for SER energy services and utility services was denied for being over the income limit, and for home ownership services "because the service requested is not covered by SER policy."
2. On November [REDACTED] 2025, the Department received Petitioner's application for FAP, cash assistance, and SER assistance with heat, electric, water/sewer, cooking gas, mortgage, homeowner's insurance, home repairs, and moving expenses. Petitioner's application noted that his electricity had been turned off effective October 29, 2025.
3. Petitioner has a Retirement Survivors Disability Insurance (RSDI) benefit of \$ [REDACTED] per month and is responsible for his Medicare Part B premium of \$ [REDACTED] per month.

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4. Petitioner has a rental expense of \$[REDACTED] per month and is responsible for his electric and cooling expenses.
 5. Petitioner was not facing an eviction at the time of application. He does not have a mortgage or homeowner's insurance.
 6. Petitioner does not have separate cooking gas, heat expense, or water bill.
 7. Petitioner's electricity has been put in his AHR's name and activated.
 8. On November [REDACTED] 2025, the Department issued a Notice of Case Action to Petitioner informing him that his cash application had been denied and his FAP application had been approved in the amount of \$[REDACTED] per month effective December 2025 with a prorated benefit for November 2025 based on \$[REDACTED] in unearned income, the standard deduction of \$209.00, housing costs of \$[REDACTED] and the heat and utility standard deduction (H/U) of \$682.00.
 9. On or about November 15, 2025, the Department received Petitioner's requested for hearing disputing the Department's determination of FAP benefit rate and SER eligibility.

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).

Food Assistance Program (FAP)

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, the Department determined that Petitioner was eligible for \$[REDACTED] per month in FAP benefits and Petitioner believes he should be eligible for more. To determine whether the Department properly calculated Petitioner's FAP benefit rate, the evaluation first starts with consideration of all countable earned and unearned income available to the group. BEM 500 (April 2022), pp. 1-5. The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Prospective income is income not yet received but expected. BEM 505 (June 2025), p. 1. In prospecting income, the Department is required to use income from the past 30 days if it appears to accurately reflect what is expected to be

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received in the benefit month, discarding any pay if it is unusual and does not reflect the normal, expected pay amounts. BEM 505, pp. 4-9. A standard monthly amount must be determined for each income source used in the budget. BEM 505, pp. 8-9. Petitioner receives a gross RSDI benefit of \$[REDACTED] per month.

After consideration of income, the Department considers all appropriate deductions and expenses. Petitioner is a Senior, Disabled, or Disabled Veteran (SDV); therefore, he is eligible for the following deductions to income:

- Medical expense deduction for the disabled individual.
- Dependent care expense.
- Excess shelter deduction.
- Court ordered child support and arrearages paid to non-household members.
- Standard deduction based on group size.

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

Petitioner is eligible for the standard deduction of \$209.00 for a group size of one. RFT 255 (October 2025), p. 1; BEM 556, p. 4. No evidence was presented that Petitioner has dependent care or child support expenses. Next, Petitioner is disabled so verified medical expenses may be considered in determining his FAP benefit rate, but none have been submitted in this case after the date of his application; however, Petitioner is responsible for his Medicare Part B premium of \$[REDACTED]. Per policy 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 SMD. BEM 554, p. 9. The SMD is \$165. *Id.* If the group has actual medical expenses which are more than the SMD, they have the option to verify their actual expenses instead of receiving the SMD. *Id.* In addition, groups that do not have a 24-month benefit period may choose to budget a one-time-only expense for one month or average it over the balance of the benefit period. BEM 554, p. 9. Groups with a 24-month benefit period are given the option to budget the expense for one month, average it over the remainder of the first 12 months of the benefit period, or average it over the remainder of the 24-month benefit period. BEM 554, p. 10. A full list of potential medical expenses can be reviewed in BEM 554, pp. 11-13. Petitioner has a verified medical expense of \$[REDACTED] for his Part B premium and after deduction of the \$35.00 disregard, totals \$[REDACTED] therefore, he is provided the SMD of \$[REDACTED]. Each of these expenses is deducted from Petitioner's gross income to equal his Adjusted Gross Income (AGI) of \$[REDACTED].

Once the AGI is calculated, the Department must then consider the Excess Shelter Deduction. BEM 554, p. 1; 7 CFR 273.9(d)(6). The Excess Shelter Deduction is calculated by adding Petitioner's housing costs to any of the applicable standard deductions and reducing this expense by half of Petitioner's AGI. BEM 556, pp. 4-7; 7 CFR 273.9(d)(6)(ii). Petitioner has a rental housing expense of \$[REDACTED] per month and is responsible for his cooling and electric costs. Therefore, Petitioner receives the

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heat and utility standard deduction (H/U) of \$682.00. RFT 255, p. 1. The H/U covers all heat and utility costs including cooling except actual utility expenses (repairs or maintenance). BEM 554, p. 16; RFT 255, p. 1. When a client is not responsible for heating and/or cooling costs, the client may receive utility standard deductions for non-heat electric, water and/or sewer, telephone, cooking fuel, and trash as applicable. BEM 554, p. 22-25. The Department is required to annually review these standards and make adjustments to reflect changes in costs which is why benefit rates can change annually even if no changes are reported by the client. 7 CFR 273.9(d)(6)(iii)(B). Effective October 2025, the internet standard deduction is no longer available to any FAP recipient. BEM 554. The expenses and factors outlined here are the only expenses considered for purposes of calculating the FAP budget and determining eligibility. After each item is considered, Petitioner's total housing cost is added together (\$██████████) and reduced by 50% of Petitioner's AGI (\$██████████) resulting in the excess shelter cost of \$██████████ *Id.*

Next, Petitioner's excess shelter cost (\$██████████) is deducted from his AGI (\$██████████) to equal his Net Income of \$██████████ *Id.* A review of the Food Assistance Issuance Table shows that Petitioner is eligible for \$██████████ in FAP benefits for a group size of one. BEM 556, p. 6; RFT 260 (October 2025), p. 9. The Department has not shown that it properly calculated Petitioner's FAP benefit rate.

State Emergency Relief (SER)

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner must have submitted more than one application for SER benefits because the Department issued a SERDN on October 22, 2025 but the application shown in evidence is dated November 14, 2025. The original application date and whether the Department issued a decision regarding the November 14, 2025 application is unknown. Therefore, the Department failed to meet its burden of proof in establishing that it complied with policy.

However, for purposes of thoroughness, a review of Petitioner's eligibility based on the November 2025 application is provided below. SER helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304 (October 2024), p. 1. It also assists with home repairs to correct unsafe conditions and restore essential services. *Id.* To be eligible for homeownership services such as house payments, property taxes and fees, mobile lot rent, homeowner's insurance premiums, energy related home repairs, and non-energy related home repairs, the SER group member must be an owner or purchaser of the home or hold a life estate with the responsibility for repairs. ERM 304 (October 2024), pp. 1, 4. Petitioner is not the owner of his home, as he rents it, so he is not eligible for home repairs, assistance with house payments, or

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homeownership insurance. SER also provides assistance in trying to prevent or resolve homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2025), p. 1. To be eligible for these services, the group must be homeless or at risk of homelessness. ERM 303, p. 2. To show that someone is at risk of homelessness, there must be an imminent risk as shown by a court summons, order, or judgment resulting from an eviction action. ERM 303, p. 3. Petitioner was not facing eviction; therefore, he is not eligible for rental, security deposit, or moving expenses. SER also provides assistance with utility services such as payment of arrears to maintain or restore service for water, sewer, or cooking gas. ERM 302 (December 2022), p. 1. To be eligible, the Department must receive verification of a disconnect notice from the utility provider, information from the utility provider's secure website, an overdue or delinquency notice when there is no disconnect but it is added to a tax bill, or a collateral contact with the provider. ERM 302, pp. 4-5. Because Petitioner did not have a disconnect notice from a utility provider nor any threat of a utility being added to a tax bill because he is not the property owner, Petitioner is not eligible for utility assistance. Finally, Petitioner sought assistance with his energy services (electric). A household may receive one SER payment for heat and one for non-heat electric not to exceed the fiscal year cap for SER. ERM 301 (October 2025), p. 1. To be eligible, an individual or household must have a past due account or shut-off notice on an energy bill for their household. ERM 301, p. 1. The Department must obtain a bill before authorizing payment. ERM 301, pp. 11-12. The Department may only authorize payments that will resolve an emergency. ERM 301, p. 13. In this case, Petitioner had a shutoff notice and his electricity was turned off. However, after the fact, AHR paid the bill and switched the electrical services to AHR's name. Therefore, the emergency no longer exists and there is no past due balance which can be paid. Petitioner cannot receive SER assistance with his electric bill.

Because the Department did not provide information pertaining to the application which prompted the October 22, 2025 SERDN and because the Department failed to provide the SERDN for the November 14, 2025 application, the Department has not shown that it complied with policy in determining Petitioner's eligibility for SER.

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 calculated Petitioner's FAP benefit rate and determined Petitioner's SER eligibility on the application relevant to the October 22, 2025 SERDN and the November 14, 2025 application.

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

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HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reprocess Petitioner's SER application related to the October ■ 2025 SERDN;
2. If otherwise eligible, issue SER payments on Petitioner's behalf for benefit not previously received;
3. Reprocess Petitioner's November ■ 2025 application for FAP and, if necessary due to ineligibility based on the prior SER application, for the November ■ 2025 SER application;
4. If otherwise eligible, issue FAP and/or SER benefits to Petitioner for benefits not previously received; and,
5. Notify Petitioner in writing of its decisions.



AMANDA MARLER
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://irs.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

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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
WAYNE-TAYLOR-DHHS
25637 ECORSE RD
TAYLOR, MI 48180
**MDHHS-WAYNE-18-
HEARINGS@MICHIGAN.GOV**



Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]