



Date Mailed: January 6, 2026

Docket No.: 25-044553

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[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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Case No.: [REDACTED]

Petitioner: [REDACTED] [REDACTED]

HEARING DECISION

On November 17, 2025, Petitioner [REDACTED] [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on December 30, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner's authorized hearing representative, [REDACTED] [REDACTED] appeared for Petitioner. Respondent Michigan Department of Health and Human Services (Department) had Hearing Facilitator Amber Gibson appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. An 11-page packet of documents provided by the Department was admitted collectively as Exhibit A.

ISSUE

Did the Department properly determine Petitioner's 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. Petitioner is a FAP benefit recipient.
2. Petitioner has three minor children.
3. The mother of Petitioner's three minor children lives separate from Petitioner.
4. Petitioner's three minor children are members of their mother's FAP group.
5. On September [REDACTED] 2025, Petitioner notified the Department that his three minor children would be living in his home 30 days per month, effective October 1, 2025. Petitioner notified the Department of the change so that the Department would add his three minor children to his FAP group.

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6. On September █ 2025, the Department responded to Petitioner and informed him that the FAP benefit amount for the month of October had already been determined. The Department asked Petitioner to provide a copy of the custody order to verify the change.
 7. On November █ 2025, Petitioner contacted the Department and advised that he is unable to provide school records because his minor children are not enrolled in school.
 8. On November █ 2025, Petitioner provided a copy of a proposed judgment/order. The proposed judgment/order was not signed by a judge.
 9. Petitioner requested a hearing because the Department denied his request to add his three minor children to his FAP group.

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) 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 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 is disputing his FAP benefits because the Department did not add his three minor children to his FAP group as he requested. Petitioner wants the Department to add his three minor children to his FAP group, effective October 1, 2025. The issue here is whether the Department properly denied Petitioner's request to add his three minor children to his FAP group.

When children have parents that do not live together and one or both parents apply to receive FAP benefits for their children, the Department must determine who the children's primary caretaker is. BEM 212 (June 1, 2025), pp. 3-5. The Department makes its initial determination in part by asking the client how many nights the children sleep in the client's home in a calendar month. *Id.* at 4. In this case, the Department determined that the mother of Petitioner's three minor children was the primary caretaker. Subsequently, Petitioner asked to receive FAP benefits for his three minor children.

The Department must reevaluate who the children's primary caretaker is when a second caretaker applies for assistance for the children after the Department has already determined the children's primary caretaker. *Id.* at 5. The primary caretaker status

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becomes questionable when the second caretaker applies for assistance for the children. The Department must obtain information to verify who the children's primary caretaker is. *Id.* at 12-13. The Department must give each caretaker the opportunity to provide evidence to establish who the primary caretaker is. *Id.*

The primary caretaker status for Petitioner's three minor children became questionable when Petitioner asked the Department to add his children to his FAP group. At that point, the Department was required to obtain verification to redetermine the primary caretaker status for Petitioner's three minor children. To request verification, the Department is required to tell the client what information is required, how to obtain it, and when it is due. BAM 130 (May 1, 2024), p. 3. The Department should issue a form such as a verification checklist to obtain verification. *Id.* Acceptable verification to determine primary caretaker status may include a court order that addresses custody, school records, childcare records, and medical records. BEM 212 at 12-13.

The Department did not act in accordance with BAM 130 because the Department did not properly instruct Petitioner on what information was required, how to obtain it, and when it was due. Accordingly, the Department's decision to deny Petitioner's request to add his three minor children to his FAP group is reversed. However, that does not mean that Petitioner's three minor children should be added to Petitioner's FAP group. Rather, it means that the Department must follow the applicable policies when it redetermines the primary caretaker status for Petitioner's three minor children. Accordingly, the Department must issue a verification checklist to Petitioner to obtain information from Petitioner to redetermine the primary caretaker status for Petitioner's three minor children. Additionally, the Department must inform the mother of Petitioner's three minor children that Petitioner is disputing her primary caretaker status, and the Department must give the mother of Petitioner's three minor children an equal opportunity to provide information to redetermine the primary caretaker status for Petitioner's three minor children. The Department then must redetermine the primary caretaker status for Petitioner's three minor children based on the evidence provided.

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 did not act in accordance with its policies and the applicable law when it denied Petitioner's request to add his three minor children to his FAP group.

IT IS ORDERED that the Department's decision is **REVERSED**. The Department must issue a verification checklist to Petitioner to obtain information from Petitioner to redetermine the primary caretaker status for Petitioner's three minor children. Additionally, the Department must inform the mother of Petitioner's three minor children that Petitioner is disputing her primary caretaker status, and the Department must give the mother of Petitioner's children an equal opportunity to provide information to redetermine the primary caretaker status for Petitioner's three minor children. The Department then must redetermine the primary caretaker status for Petitioner's three minor children based on the evidence provided. The Department must begin to implement this order within 10 days from the mailing date of this hearing decision.



**JEFFREY KEMM
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
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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Petitioner

Authorized Hearing Rep

