



Date Mailed: January 9, 2026
Docket No.: 25-044556
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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Docket No.: 25-044556

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 January 7, 2026. Petitioner appeared and was represented by their Authorized Hearing Representative (AHR) and niece, [REDACTED]. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist and Hearings Facilitator.

ISSUE

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

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 [REDACTED] years old and receives monthly income from Retirement, Survivors, and Disability Insurance (RSDI) of \$[REDACTED], pension of \$[REDACTED], and U.S. Department of Veterans Affairs (VA) pension of \$[REDACTED]. (Exhibit A, pp. 10 – 12).
1. Petitioner has a housing expense of \$950 per month and a telephone expense.
2. Since at least July 1, 2025, Petitioner was an ongoing recipient of FAP benefits of \$23 per month.
3. On October 10, 2025, the Department received a completed Semi-Annual Contact Report from Petitioner. Petitioner reported that he did not have any changes to report and did not report any utility, medical, or other expenses. (Exhibit A, pp. 7 – 9).
4. On November 21, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved Petitioner for FAP benefits of \$24 per month for a one-person FAP group effective December 1, 2025. (Exhibit A, pp. 16 – 17).

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5. On December 3, 2025, the Department received a request for hearing from Petitioner disputing the amount of his monthly FAP benefit. (Exhibit A, pp. 3 – 5).
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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 the Department's determination of his monthly FAP benefit amount. Following a semi-annual review of Petitioner's FAP benefits, the Department approved him for an increase in FAP benefits from \$23 per month to \$24 per month effective December 1, 2025, for a one-person FAP group.

To determine whether the Department properly calculated Petitioner's FAP benefit amount, the Department begins with the client's countable earned and unearned income. BEM 500 (April 2022), pp. 1 – 5. The Department counts the gross benefit amount of RSDI, private pensions, and VA pensions as unearned income. BEM 503 (October 2025), pp. 30 – 33, 40 – 41. In this case, there was no dispute that Petitioner's monthly income is \$[REDACTED] from RSDI, \$[REDACTED] from a private pension, and \$[REDACTED] from a VA pension, for total unearned income of \$[REDACTED].

After countable income is calculated, the Department must determine which deductions are available to Petitioner. Because Petitioner is over the age of 60, he is considered a senior/disabled/veteran (SDV) household. BEM 550 (April 2025), pp. 1 – 2. Households with SDV members and unearned income may be eligible for the following deductions only:

- Standard deduction based on group size.
- Dependent care expense.
- Medical expense deduction for medical expenses of the SDV member in excess of \$35.
- Court ordered child support and arrearages paid to non-household members.
- Excess shelter deduction.

BEM 554 (November 2025) p. 1; BEM 556 (November 2025) pp. 4 – 6; RFT 255 (October 2025).

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The Department introduced a budget to show how it determined Petitioner's FAP benefit amount. (Exhibit A, pp. 13, 15). Effective October 1, 2025, the standard deduction for a one-person FAP group, such as Petitioner's, is \$209. RFT 255. The Department testified, and Petitioner confirmed, that he does not have any dependent care or court ordered child support expenses. Although Petitioner's AHR testified that Petitioner reported a life insurance expense on his SACR, the testimony was not supported by the evidence. However, notwithstanding the foregoing, an expense for life insurance is not an allowable deduction for purposes of FAP benefits (BEM 554, pp. 11 – 13), and there was no evidence that Petitioner reported any medical expenses in excess of \$35 per month. Therefore, the Department properly deducted only a \$209 standard deduction from Petitioner's countable income.

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 Petitioner's countable income of \$[REDACTED], and standard deduction of \$209, his AGI was \$[REDACTED].

To complete the excess shelter deduction calculation, the Department reviewed Petitioner's housing and utility expenses. When a client has a telephone expense, but does not have a heating or other utility expense and has not received a HCC or LIHEAP in the past 12 months, they are entitled to a \$31 telephone standard amount to be included in the calculation of the excess shelter deduction, which is the highest amount available to a FAP group who pays a telephone expense. BEM 554, pp. 19 – 29, 31; RFT 255.

There was no dispute that Petitioner had a housing expense of \$950 per month and a telephone expense; but was not responsible for payment of heat and other utilities. Although Petitioner's AHR testified that Petitioner received a Low-Income Home Energy Assistance Payment (LIHEAP) in January 2025, the Department credibly testified that there was no record that he received a LIHEAP within the 12 months prior to his SACR. There was also no evidence Petitioner had received a Home Heating Credit (HCC) within the prior 12 months. Therefore, the record established that the Department properly budgeted only Petitioner's housing expense and the telephone standard amount when it calculated Petitioner's excess shelter deduction.

Once Petitioner's housing and allowable 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 whether Petitioner is eligible for an excess shelter deduction and, if so, the amount of the deduction.

The total of Petitioner's monthly housing of \$950, plus the telephone standard of \$31, was \$981. When 50% of Petitioner's \$[REDACTED] AGI, in the amount of \$[REDACTED], was subtracted from the total shelter amount of \$981, Petitioner's excess shelter deduction was \$[REDACTED], which is what the Department included on the budget. The evidence

established that when the Department subtracted Petitioner's excess shelter deduction of \$348 from his AGI of \$█, it properly determined Petitioner's net income was \$█.

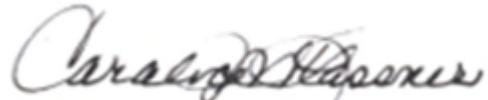
Once the net monthly income has been determined under the FAP program, the Department determines what benefit amount Petitioner is entitled to, based on the group size, according to the Food Assistance Issuance Table found in RFT 260. Based on Petitioner's one-person FAP group size and net income of \$919, the Department properly determined Petitioner's monthly benefit amount of \$24 effective December 1, 2025. RFT 260 (October 2025), p. 13.

Although Petitioner's AHR expressed concern that the Department did not consider Petitioner's other monthly expenses and the cost of groceries, the evidence established that the Department's calculation of Petitioner's net income and determination of his monthly benefit amount were made in accordance with policy.

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 monthly FAP benefit amount effective December 1, 2025.

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



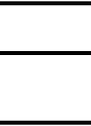
**CARALYCE M. LASSNER
ADMINISTRATIVE LAW JUDGE**

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.



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