



Date Mailed: January 12, 2026
Docket No.: 25-044787
Case No.: [REDACTED]
Petitioner: [REDACTED]



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

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Docket No.: 25-044787

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 represented herself. The Department of Health and Human Services (Department) was represented by Anthony White, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits effective January 1, 2026?

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 August 27, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved her for FAP benefits of \$292 per month for a one-person FAP group effective October 1, 2025, based on \$ [REDACTED] earned or unearned income.
1. On November 14, 2025, Petitioner began to receive unemployment compensation (UC) of \$ [REDACTED] bi-weekly. (Exhibit A, p. 13).
2. On November 18, 2025, the Department sent Petitioner a NOCA that decreased her FAP benefits to \$24 per month for a one-person FAP group effective January 1, 2026, based on \$ [REDACTED] earned income and \$ [REDACTED] per month in unearned income. (Exhibit A, pp. 19 – 20).
3. On December 2, 2025, the Department received a request for hearing from Petitioner disputing the decrease in her FAP benefits. (Exhibit A, pp. 3 – 10).

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 decrease in her monthly FAP benefits. The Department decreased Petitioner's FAP benefits from \$292 to \$24 for a one-person FAP group effective January 1, 2025, based on \$[REDACTED] earned income and \$[REDACTED] in unearned income.

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 (January 2026), pp. 1 – 4. For purposes of FAP, unemployment compensation is unearned income and the Department must count the gross amount. BEM 503 (October 2025), p. 39. 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 (June 2025), pp. 8 – 9.

Relative to the instant hearing, there was no dispute that Petitioner had no income until November 15, 2025, when she began to receive UC in the amount of \$[REDACTED] bi-weekly. The Department testified that because UC is paid bi-weekly, it multiplied Petitioner's bi-weekly amount by 2.15 to determine her monthly countable income. A review of the record established that the Department properly determined Petitioner had countable unearned income of \$[REDACTED] per month. Once Petitioner's countable income has been calculated, the Department must determine whether Petitioner is entitled to any deductions from that income. Petitioner confirmed that she is not a senior, disabled, or a disabled veteran (SDV). FAP groups with no SDV members and unearned income only are entitled to the following deductions:

- 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 (January 2026) p. 1; BEM 556 (November 2025) pp. 3 – 6; RFT 255 (October 2025).

The Department introduced a budget to explain how it determined Petitioner's monthly FAP benefit. (Exhibit A, pp. 15, 17). As a one-person FAP group, Petitioner was entitled to a standard deduction in the amount of \$209. RFT 255. Petitioner confirmed that she does not have any dependent care or court ordered child support expenses; and no deduction for those expenses are reflected on the budget. Thus, the budget properly reflected that Petitioner received only the \$209 standard deduction from her countable income based on her one-person FAP group size. BEM 550, p. 1.

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 her standard deduction of \$209, Petitioner's AGI was \$[REDACTED].

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, separate from the housing expense, 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. 19; RFT 255. 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.

There was no dispute that Petitioner is responsible for a mortgage expense, property taxes and homeowners' insurance, and heat and other utilities. However, Petitioner previously reported to the Department that her father was paying those expenses directly to the creditors on her behalf. Although there was no dispute that on December 10, 2025, Petitioner reported to the Department that she had resumed paying her own expenses, at the time the Department determined her FAP benefit amount, November 18, 2025, she did not have any reported shelter expenses to be considered for purposes of the excess shelter deduction calculation. BEM 554, p. 2. Therefore, because Petitioner had no reported budgetable shelter expenses as of November 18, 2025, the Department properly determined that her excess shelter deduction was \$0.

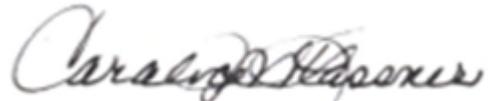
Because Petitioner's excess shelter deduction was \$0, her AGI of \$[REDACTED] became her net income. Once the net monthly income has been determined under the FAP program, the Department determines what benefit amount Petitioner is entitled to, based on the group size, according to the Food Assistance Issuance Table found in RFT 260. Based on Petitioner's one-person FAP group size and net income of \$[REDACTED], the Department properly determined Petitioner's monthly benefit amount of \$24 effective January 1, 2026. RFT 260 (October 2025), p. 18.

As stated previously, on December 10, 2025, Petitioner reported to the Department that she had resumed paying her own housing and utility expenses. Although reported changes which result in an increase in the household's FAP benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date (BAM 220 (October 2025), p. 8), because Petitioner reported the change after the Department's actions that gave rise to the instant hearing, there was no dispute to be resolved by the undersigned in that regard. In the event Petitioner disputes an action taken by the Department after December 2, 2025, the date she requested the instant hearing, she may request a hearing on that issue.

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 on November 18, 2025, when it determined Petitioner's FAP benefit amount effective January 1, 2026.

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

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