

**Date Mailed:** January 9, 2026

**Docket No.:** 25-044844

**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 30, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rachel Meade, Hearing Coordinator (HC).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-44.

### **ISSUE**

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

### **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 provided documentation of medical expenses to the Department on July 6, 2025. (Exhibit A, p. 6)
2. On September 6, 2025, a Notice of Case Action was issued to Petitioner stating the FAP monthly benefit would decrease to \$41.00 effective October 1, 2025 based on a reduction in medical expenses and the removal of the internet expense. (Exhibit A, Hearing Summary and pp. 1-5)
3. On November 19, 2025, Petitioner filed a hearing request contesting the Department's determination and provided documentation of medical expenses. (Exhibit A, Hearing Request and pp. 11-28)
4. On November 20, 2025, a Notice of Case Action was issued to Petitioner stating the FAP monthly benefit would increase to \$45.00 effective November 1, 2025 showing an increase with the budgeted medical expenses. It was also noted that a \$4.00 supplement would be issued for November 2025. (Exhibit A, pp. 29-33)

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5. On December 4, 2025, a Notice of Case Action was issued to Petitioner stating a supplement of \$253.00 would be issued for December 2025 based on the additional medical expense verifications. (Exhibit A, pp. 34-38)

### **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.

The Department counts the gross unemployment benefit amount of Retirement, Survivors, and Disability Insurance (RSDI) as unearned income. BEM 503, October 1, 2025, p. 31.

For FAP, a shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. BEM 554, (October 1, 2025), p. 15. The heat/utility (h/u) standard covers all heat and utility costs including cooling, except actual utility expenses, for example, installation fees etc. FAP groups that qualify for the h/u standard do not receive any other individual utility standards. FAP groups whose heat is included in their rent may still qualify for the h/u standard. Some additional ways include but are not limited to, receipt of the Home Heating Credit (HHC) or a Low Income Home Energy Assistance Payment (LIHEAP). The amount of either payment must be greater than \$20 in the month of application or in the immediately preceding 12 months prior to the application month. BEM 554, pp. 19-20. FAP groups who pay for cooling (including room air conditioners) are eligible for the h/u standard if, they have the responsibility to pay for non-heat electric. BEM 554 pp. 21-22. FAP groups not eligible for the h/u standard who have other utility expenses or contribute to the cost of other utility expenses are eligible for the individual utility standards. Use the individual standard for each utility the FAP group has responsibility to pay. BEM 554 p. 27.

The FAP allowable expenses briefly included an internet expense. BEM 554, August 1, 2025, pp. 30-31. The internet expense was removed from the BEM 554 policy that went into effect October 1, 2025. BEM 554, October 1, 2025, p. 30.

Allowable medical expenses can also be considered for senior/disabled/veteran (SDV) FAP group members. An SDV group that has a verified one-time or ongoing medical expense(s) of more than \$35.00 for an SDV person(s) will receive the standard medical deduction (SMD). The SMD is \$165.00. If the group has actual medical expenses which

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are more than the SMD, they have the option to verify their actual expenses instead of receiving the SMD. BEM 554, p. 10.

A FAP group is not required to but may voluntarily report changes during the benefit period. For one-time-only expenses, groups that do not have a 24-month benefit period may choose to budget a one-time-only medical expense for one month or average it over the balance of the benefit period. Bridges will allow the expense in the first benefit month the change can affect. Groups that have 24-month benefit periods must be given the following options for one-time-only medical expenses billed or due within the first 12 months of the benefit period: (1) budget it for one month; (2) average it over the remainder of the first 12 months of the benefit period; or (3) average it over the remainder of the 24-month benefit period. BEM 554, pp. 10-11.

In this case, the evidence shows that the Department was utilizing actual, verified, allowable medical expenses in the FAP budget as the medical deduction amounts were greater than the SMD of \$165.00. For the month of October 2025, the Department included a medical deduction of \$190.00. (Exhibit A, pp. 5 and 40). For the month of November 2025, the Department included a medical deduction of \$200.00. (Exhibit A, pp. 33 and 41). For the month of December 2025, the Department included a medical deduction of \$2,122.00. (Exhibit A, p. 38).

The certification period on the FAP budgets show Petitioner was approved for a 24-month benefit period of March 1, 2024 through February 28, 2026. (Exhibit A, pp. 40-41). It appears that when the Department processed the medical expense verifications provided on November 19, 2025, they calculated a total medical deduction of \$2,122.00. (Exhibit A, p. 44). It appears that the Department just budgeted these medical expenses for the month of December 2025. The BEM 554 policy appears to only allow for the expenses to be averaged over the balance of the benefit period when the FAP group (1) does not have a 24 month benefit period or (2) the FAP group has a 24 month benefit period and the expense was billed or due within the first 12 months of the benefit period. It does not appear that the medical expenses provided on November 19, 2025 were billed or due within the first 12 months of Petitioner's benefit period (March 2024 through February 2025). (Exhibit A, pp. 8-28).

Petitioner requested an increase in the FAP benefit amount. Petitioner broke her leg in [REDACTED] and has over \$3,000.00 in medical bills she needs to pay on. Petitioner has additional medical conditions and is disabled. Petitioner should be eating fruits and vegetables, but she is not able to cut and prepare foods. Petitioner has to purchase frozen premade meals, which have been increasing in price each month. (Petitioner Testimony). However, the rules, regulations, and policies for FAP do not allow for consideration of health conditions, dietary restrictions or needs, or the ability to prepare foods in determining the FAP benefit amount.

Overall, the evidence shows that the Department properly eliminated the internet expense budgeted the verified, allowable, medical expenses in accordance with the BEM 554 policy.

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**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 eligibility for FAP benefits.

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

*Colleen Lack*

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**COLLEEN LACK  
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](https://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.

