

Date Mailed: February 6, 2026

Docket No.: 25-045349

Case No.: [REDACTED]

Petitioner: [REDACTED]
[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 January 7, 2026. Petitioner appeared and was unrepresented. [REDACTED] friend, provided interpretation services during the hearing. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Amber Gibson, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-24.

Shortly after the hearing commenced, the contested issues were discussed. On the hearing request form, Petitioner marked that the contested benefit programs included Medical Assistance (MA) and cash assistance through the State Disability Assistance (SDA) program. The HF confirmed that there were no actions taken regarding MA benefits. Petitioner also indicated the MA benefits were the same. Accordingly, there is no MA action to review. Further, the evidence shows that Petitioner receives cash assistance benefits under the Family Independence Program (FIP). Accordingly, there would be no SDA action to review because Petitioner does not receive cash assistance through the SDA program. Pursuant to BEM 222, October 1, 2018, a recipient of FIP is not eligible for SDA for the same month. Therefore, the MA and SDA portions of Petitioner's hearing request are **DISMISSED**.

ISSUE

Did the Department properly determine Petitioner's eligibility for Family Independence Program (FIP) and 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. In October 2025, Petitioner received \$337.00 in FAP benefits for a FAP group size of three. (HF Testimony)

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2. On October 24, 2025, a Notice of Case Action was issued to Petitioner stating the FIP benefits were denied effective September 16, 2025 and that the FAP benefits would be \$248.00 per month effective November 1, 2025. (Exhibit A, pp. 6-15)
 3. On November 19, 2025, Petitioner filed a hearing request contesting the Department's determinations. (Exhibit A, pp. 3-5)
 4. On December 2, 2025, a Notice of Case Action was issued to Petitioner stating the FIP benefits were approved in the amount of [REDACTED] per month effective January 1, 2026 and that the FAP benefits would be \$248.00 per month effective January 1, 2026. This notice also states that the FIP benefits are denied effective September 16, 2024. (Exhibit A, pp. 16-24)

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).

FIP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

In this case, the Department asserted that the contested FIP issue was resolved. The Department acknowledged that the October 24, 2025 Notice of Case Action closing the FIP benefit case was in error. The Department asserted that the FIP benefits were reinstated with no loss of benefits. (Exhibit A, p. 1; HF Testimony). However, the notices of case action indicate there was a loss of benefits. The October 24, 2025 Notice of Case Action stated the FIP benefits were denied effective September 16, 2025. (Exhibit A, pp. 6-15). The December 2, 2025 Notice of Case Action states the FIP benefits were approved in the amount of [REDACTED] per month effective January 1, 2026. This notice also indicates that the FIP benefits remain denied effective September 16, 2024. (Exhibit A, pp. 16-24). Accordingly, it is not clear that the FIP benefits were reinstated with no loss of benefits. FIP eligibility should be redetermined as of the September 16, 2025 effective date.

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.

A person enrolled in a post-secondary education program may be in student status, as defined in BEM 245 policy. A person in student status must meet certain criteria in order to be eligible for assistance. BEM 245, July 1, 2025, p. 1.

A person is in student status if they are:

- Age 18 through 49 and
- Enrolled half-time or more in a:
 - Vocational, trade, business, or technical school that normally requires a high school diploma or an equivalency certificate.
 - Regular curriculum at a college or university that offers degree programs **regardless** of whether a diploma is required.

In order for a person in student status to be eligible, they must meet one of the following criteria:

- Receiving FIP.
- Enrolled in an institution of higher education as a result of participation in:
 - A Job Training Partnership Act (JTPA) program.
 - A program under section 236 of the Trade Readjustment Act of 1974 us 19 USC 2341, et. seq.
 - Enrolled in a FAE&T or FAE&T plus, in a component or components that are either:
 - Part of a program of career and technical education as defined under the Perkins Strengthening Career and Technical Education Act (Perkins V) and a course of study that will lead to employment.
 - Are limited to remedial courses, basic adult education, literacy, or English as a second language.
 - An employment and training program for low-income households operated by state and local government where one or more of the components of such program is at least equivalent to an acceptable FAP employment and training

program component. This includes a program under the Carl D. Perkins Career and Technical Education Improvement act of 2006, administered by one of the 35 participating colleges that will lead to employment.

Note: Some examples of career and technical programs offering certificate or diploma that will lead to employment are data entry occupations, medical and health care careers, HVAC and refrigeration, hospitality and tourism management.

- Another state or local government employment and training program.
- Physically or mentally unfit for employment.
- Employed for at least an average of 20 hours per week and paid for such employment.
- Self-employed for at least an average of 20 hours per week and earning an average weekly income at least equivalent to the federal minimum wage multiplied by 20 hours.
- Participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer.
- Participating in a state or federally-funded work study program (funded in full or in part under Title IV-C of the Higher Education Act of 1965, as amended) during the regular school year.

To qualify under this provision the student must be approved for work study during the school term and anticipate actually working during that time. The exemption:

- Starts the month the school term begins or the month work study is approved, whichever is later.
 - Continues until the end of the month in which the school term ends, or when the local office becomes aware that the student has refused a work-study assignment.
 - Remains between terms or semesters when the break is less than a full month, or the student is still participating in work study during the break.
- Providing more than half of the physical care of a group member under the age of six.

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- Providing more than half of the physical care of a group member age six through eleven and the local office has determined adequate child care is not available to:
 - Enable the person to attend class and work at least 20 hours per week.
 - Participate in a state or federally-financed work study program during the regular school year.
 - A single parent enrolled full-time in an institution of higher education who cares for a dependent under age 12. This includes a person who does not live with their spouse, who has parental control over a child who does not live with their natural, adoptive or stepparent.

For the care of a child under age six, consider the student to be providing physical care as long as they claim primary responsibility for such care, even though another adult may be in the Food Assistance Program (FAP) group.

When determining the availability of adequate child care for a child six through 11, another person in the home, over 18, need not be a FAP group member to provide care.

The person remains in student status while attending classes regularly. Student status continues during official school vacations and periods of extended illness. Student status does not continue if the student is suspended or does not intend to register for the next school term (excluding summer term).

BEM 245, pp. 3-6.

The Department counts gross wages as unearned income. BEM 501, October 1, 2025, pp. 6-7.

The Department counts the gross amount of current Social Security Administration (SSA)-issued Supplemental Security Income (SSI) as unearned income for determining FAP eligibility. BEM 503, p. 36. Whenever an SSA-issued independent living or household of another payment is budgeted, the Department counts the corresponding monthly State SSI Payment (SSP) benefit amount as unearned income. BEM 503, pp. 37-38.

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

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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.

In this case, the HF explained that for the month of October 2025, Petitioner's daughter was not an eligible student because she did not meet the criteria of working 80 hours per month. Accordingly, the FAP group size for October 2025 was three. For November 2025, Petitioner's daughter was working 80 hours per month and met the criteria to be an eligible student. Petitioner's daughter's income was then included in the FAP budget. (HF Testimony).

The FAP budget summary on the October 24, 2025 Notice of Case Action was reviewed with the parties. No errors were identified by the parties. For example, the Department properly considered the earned income from Petitioner's daughter and included the full heat and utility standard. The HF explained that the unearned income included SSI benefits, SSP benefits, and FIP benefits. However, it is not clear that the unearned income was correct based on the FIP approval periods shown on the notices of case action. As noted above, the FIP benefits were denied effective September 16, 2025 and approved effective January 1, 2026. (Exhibit A, pp. 6-24). If FIP benefits were not actually issued for November and December 2025, the FAP budgets for those months should not have included any amount for FIP benefits. FAP eligibility should be redetermined as of the October 1, 2025 effective date.

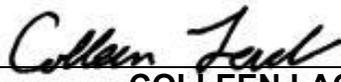
DECISION AND ORDER

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 determined Petitioner's eligibility for FIP and FAP benefits.

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

1. Redetermine Petitioner's eligibility for FIP as of the September 16, 2025 effective date in accordance with Department policy.
2. Redetermine Petitioner's eligibility for FAP as of the November 1, 2025 effective date in accordance with Department policy.



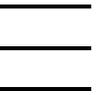
COLLEEN LACK
ADMINISTRATIVE LAW JUDGE

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. 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.



Via Electronic Mail:

Respondent

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Via First Class Mail:

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