



Date Mailed: January 14, 2026

Docket No.: 25-046019

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

This is an important legal document. Please have someone translate the document.

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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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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 12, 2026. Petitioner appeared and was unrepresented. [REDACTED] [REDACTED] appeared as a witness for Petitioner. Mona Sayed appeared as Arabic interpreter for Petitioner. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Sunshine Simonson, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits for October 2025?

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, his spouse and their three minor children were ongoing recipients of FAP benefits.
2. On February [REDACTED] 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that informed Petitioner his FAP benefits were \$[REDACTED] effective March 1, 2025. The appeal cutoff date to dispute this action was May 14, 2025.
3. On September [REDACTED] 2025, the Department sent Petitioner a NOCA that informed Petitioner his FAP benefits increased to \$[REDACTED] per month effective October 1, 2025 ongoing for a household size of three. The appeal cutoff date to dispute this action was December 16, 2025.
4. On November 25, 2025, the Department received Petitioner's request for hearing. Exhibit A, pp. 3-4.
5. On December [REDACTED] 2025, the Department sent Petitioner a NOCA that informed Petitioner his FAP benefits increased to \$[REDACTED] per month effective November 1, 2025 ongoing for a household size of five. Exhibit A, pp. 19-23.

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).

Petitioner's request for hearing (RFH) disputed the Department's determination of his monthly FAP benefit amount.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service.

A client's request for hearing must be signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Moreover, a request for hearing must be received in the Department local office *within 90 days* of the date of the written notice of case action. BAM 600 (July 2025), p. 6 (emphasis added).

In this case, Petitioner indicated that he did not dispute the current monthly FAP benefit amount of \$[REDACTED] effective November 1, 2025, but disputed the prior monthly FAP benefit amounts of \$[REDACTED] and \$[REDACTED]. The Department testified that it issued a NOCA on February [REDACTED] 2025 informing Petitioner of the \$[REDACTED] monthly FAP benefit and a NOCA on September [REDACTED] 2025 informing Petitioner of the \$[REDACTED] monthly FAP benefit. The 90-day appeal deadline for the February [REDACTED] 2025 NOCA expired on May [REDACTED] 2025. The Department received Petitioner's RFH on November 25, 2025. Exhibit A, pp. 3-4. Because the Department received the RFH more than 90 days after the Department's written case action issued on February [REDACTED] 2025, Petitioner's hearing request is untimely with regard to the \$[REDACTED] per month FAP benefit amount. Thus, the undersigned does not have jurisdiction to address a dispute regarding the \$[REDACTED] per month FAP benefit. However, the RFH was timely as to the \$[REDACTED] per month FAP benefit and the hearing proceeded regarding that issue.

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 disputed the \$[REDACTED] monthly FAP benefit approved from October 1 through October 31, 2025. Petitioner disputed the household group size the Department used when it determined his FAP eligibility and argued that his group size was five, not three. The Department explained that it made a correction to Petitioner's household group size and increased it from three to five which increased Petitioner's monthly FAP benefit to \$[REDACTED] per month effective November 1, 2025. However, this correction did not include FAP benefits issued for October 2025.

The Department has to determine the FAP group composition prior to evaluating the non-financial and financial eligibility of everyone in the group. FAP group composition is established by determining all of the following: who lives together; the relationship(s) of the people who live together; whether the people living together purchase and prepare food together or separately and whether the person(s) resides in an eligible living situation. People who live together and purchase and prepare food together are part of the same FAP group. See BEM 212 (March 2024), p. 6. Parents and their children under 22 years of age who live together must also be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group. Children include natural, step and adopted children. BEM 212 (March 2024), p.1. Next, to determine whether the Department properly calculated Petitioner's eligibility for FAP benefits, the evaluation turns to consideration of all countable earned and unearned income available to the group. BEM 500 (April 2022), pp. 1-5. Once the adjusted gross income (AGI) is calculated, the Department must then consider the excess shelter deduction. BEM 554, p. 1; 7 CFR 273.9(d)(6). The excess shelter deduction is calculated by adding Petitioner's housing costs to any of the applicable utility standard deductions and reducing this expense by half of Petitioner's AGI. BEM 556, pp. 5-8; 7 CFR 273.9(d)(6)(ii).

Here, the Department testified that it erred when it determined Petitioner's FAP benefit amount for October 2025. The Department acknowledged that it used a group size of three when it determined FAP benefit eligibility and testified that the group size should have been five. Exhibit A, p. 18. The Department explained that when it corrected Petitioner's group size, the correction failed to include the month of October 2025. The Department also testified that it could not determine what benefit period or paychecks were used to determine Petitioner's monthly income for October 2025. Lastly, the Department acknowledged that when it determined Petitioner's October 2025 FAP benefits, it erroneously budgeted \$[REDACTED] per month as Petitioner's monthly housing expense instead of the correct amount of \$1,600.00 per month.

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The Department acknowledged it did not properly determine Petitioner's FAP eligibility for October 2025. Because group size, income and monthly housing expenses must be correctly determined to properly ascertain a client's FAP benefit eligibility, the Department did not act in accordance with Department policy when it determined Petitioner's monthly FAP benefit of \$ [REDACTED] for October 2025.

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 Department policy when it determined Petitioner's October 2025 monthly FAP benefit.

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 FAP benefits for October 1 to October 31, 2025 using a FAP household group size of five and monthly housing expense of \$1,600.00;
1. If Petitioner is eligible for any FAP benefits, issue supplemental payments to Petitioner for any FAP benefits he was eligible to receive but did not, for October 1 to October 31, 2025; and
2. Notify Petitioner of its decision in writing.



**JULIA NORTON
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://rs.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

WAYNE-GREENFIELD/JOY-DHHS
8655 GREENFIELD RD
DETROIT, MI 48228
**MDHHS-WAYNE-17-
HEARINGS@MICHIGAN.GOV**



Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]