



Date Mailed: January 16, 2026
Docket No.: 25-046029
Case No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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Docket No.: 25-046029

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 January 14, 2026. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Brandy Brown, Eligibility Specialist.

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 was an ongoing recipient of FAP benefits.
2. Petitioner is [REDACTED] years old.
3. Petitioner receives Retirement, Survivors and Disability Insurance (RSDI) income of \$[REDACTED] per month and Supplemental Security Income (SSI) of \$[REDACTED] per month.
4. Petitioner pays \$[REDACTED] per month for child support which is deducted from his SSI check.
5. Petitioner's monthly rent includes all utilities except for his phone.
6. On November [REDACTED] 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that informed Petitioner that his FAP benefit would decrease to \$[REDACTED] per month effective January 1, 2026. Exhibit A, pp. 7-11.
7. On December 1, 2025, the Department received Petitioner's request for hearing disputing his FAP benefit amount. Exhibit A, pp. 3-5.

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 was filed on December █ 2025 and disputed his FAP monthly benefit amount as provided on the November █ 2025 NOCA. After Petitioner filed his request for hearing, the Department issued NOCAs on December █ 2025 and December █ 2025 that changed Petitioner's monthly FAP benefit amount to \$█ and \$█ respectively. Exhibit A, pp. 12-12. These NOCAs were issued after Petitioner filed his request for hearing. At the hearing, Petitioner was informed that if he disputes the Department's action reflected in the December █ 2025 and December █ 2025 NOCAs, he may request a hearing within the timeframe provided in those notices.

The hearing proceeded regarding Petitioner's dispute with the Department's determination of his FAP benefits of \$█ per month, effective January 1, 2026, as provided in the November █ 2025 NOCA.

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 his monthly FAP benefit amount of \$█. The Department explained that it had previously incorrectly budgeted Petitioner's income and failed to include his monthly RSDI income. When the Department corrected Petitioner's income, it resulted in a decrease to Petitioner's monthly FAP benefit amount.

To determine whether the Department properly calculated Petitioner's FAP benefit rate effective January 1, 2026, the evaluation first starts with consideration of all countable earned and unearned income available to the group. BEM 500 (April 2022), pp. 1-5. The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Prospective income is income not yet received but expected. BEM 505 (October 2023), p. 1. In prospecting income, the Department is required to use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month, discarding any pay if it is unusual and does not reflect the normal, expected pay amounts. BEM 505, pp. 4-9. A standard monthly amount must be determined for each income source used in the budget. BEM 505, pp. 8-9. The standardized income is determined by averaging the

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income received and multiplying it by 4.3 for amounts received weekly; by 2.15 for amounts received every two weeks; and adding amounts received twice a month. *Id.* The Department does not convert income for the month income starts (or stops) if a full month's income is not expected in that month. BEM 505, p. 9. The Department uses actual income received or income expected to be received in these months. *Id.* For fluctuating or irregular income, the Department is required to use the past 60 or 90 days if the past 30 days is not a good indicator of future income and the fluctuations in income during the past 60 or 90 days appear to accurately reflect the income that is expected to be received in the benefit month. BEM 505, p. 6.

Because Petitioner receives SSI of \$[REDACTED] RSDI of \$[REDACTED] there is no need to further standardize his unearned income as his income is already received on a monthly basis. The Department properly considered Petitioner's unearned income for a total monthly unearned income of \$[REDACTED]

After consideration of income, the Department considers all appropriate deductions and expenses. Petitioner receives RSDI income and is therefore a senior/disabled/disabled veteran (SDV) member of his FAP group. BEM 550 (February 2024), pp. 1-2. SDV groups are eligible for a medical expense deduction, in addition to the non-SDV deductions. SDV groups with only unearned income are eligible for the following deductions to income:

- Standard deduction based on group size.
- Medical expense deduction.
- Dependent care expense.
- Court ordered child support and arrearages paid to non-household members.
- Excess shelter deduction.

Id.; BEM 554 (February 2024), p. 1; BEM 556 (May 2024), p.1.

The Department provided the NOCA which included a budget summary. Exhibit A, p. 8. The Department testified that it provided Petitioner with the standard deduction, no medical expense deduction or dependent care expense deduction and no child support deduction. Petitioner testified that he does not have out of pocket medical expenses or dependent care expenses. However, Petitioner pays a monthly child support obligation of \$[REDACTED] The Department was aware of this monthly obligation and testified that it did not consider this amount in the disputed FAP budget. Because the Department did not provide Petitioner with a deduction for his monthly child support obligation, the Department did not act in accordance with Department policy when it determined Petitioner's FAP eligibility.

Petitioner testified that his rent amount increased from \$[REDACTED] to \$[REDACTED] Petitioner was informed to provide proof of the change to his monthly rent obligation and out of pocket medical expenses, if any, to the Department so that it may update and process any changes.

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 FAP eligibility.

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 January 1, 2026 ongoing, in accordance with policy;
2. If Petitioner is eligible for additional FAP benefits, supplement Petitioner for FAP benefits he was eligible to receive for January 1, 2026 ongoing; and
3. 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://irs.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:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]