

Date Mailed: January 22, 2026

Docket No.: 25-046355

Case No.: [REDACTED]

Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held via Microsoft Teams on January 15, 2026. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Akisha Drain, specialist.

ISSUES

The first issue is whether Petitioner timely requested a hearing to dispute the removal of Petitioner’s son from ongoing Food Assistance Program (FAP) eligibility.

The second issue is whether MDHHS properly denied Petitioner’s State Emergency Relief (SER) application requesting water and energy assistance.

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 March 19, 2025, Petitioner reported to MDHHS that her then [REDACTED] year-old son, [REDACTED] (hereinafter, “Son”) attended college at least half-time
2. On March 20, 2025, MDHHS sent Petitioner notice that Son was removed from Petitioner’s FAP benefit group beginning April 2025 due to his student status.
3. On an unspecified date, Petitioner reported to MDHHS that she and Son received ongoing self-employment income.
4. On [REDACTED] 2025, Petitioner applied for SER seeking assistance with energy and water. Petitioner also reported household income.
5. On November 25, 2025, MDHHS requested from Petitioner written verification by December 2, 2025, of Petitioner’s and Son’s self-employment income.

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6. On December 3, 2025, Petitioner requested a hearing to dispute the removal of Son from the FAP benefit group and SER eligibility.
 7. On December 11, 2025, MDHHS denied Petitioner's SER application due to a failure to verify self-employment income for Petitioner and Son.
 8. As of December 11, 2025, Petitioner failed to return written income verification for Petitioner and Son.

CONCLUSIONS OF LAW

The FAP [formerly known as the Food Stamp program] is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 7 USC 2036d. It is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers the FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3001 to R 400.3031. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute FAP eligibility. Exhibit A, pp. 3-5. Petitioner specifically disputed the exclusion of Son from her FAP benefit group. MDHHS responded that Son was removed beginning April 2025 due to student status.

A person in student status must meet certain criteria to be eligible for FAP benefits. A person is in student status if he/she is:

- Age 18 through 49; and
- Enrolled half-time or more in either 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. BEM 245 (July 2023) pp. 3-4.

For a person in student status to be eligible for FAP benefits, that individual must meet one of the following criteria:

- Receiving FIP benefits
- Enrolled in an institution of higher education as a result of participation in:
 - A JTPA program.
 - A program under section 236 of the Trade Readjustment Act of 1974 (U. S. C. 2296).
 - Another State or local government employment and training program.
- Physically or mentally unfit for employment.
- Employed for at least 20 hours per week and paid for such employment.
- Self-employed for at least 20 hours per week and earning weekly income at least equivalent to the federal minimum wage multiplied by 20 hours.

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- 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 (i.e. work study).
 - Providing more than half of the physical care of a group member under the age of six.
 - 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 his or her spouse, who has parental control over a child who does not live with his or her natural, adoptive or stepparent.

BEM 245 (July 2023) pp. 4-6.

MDHHS testified that Petitioner reported on March 19, 2025, that Son was a full-time college student. MDHHS also testified it responded by sending Petitioner a Notice of Case Action on March 20, 2025, stating that Son was removed from Petitioner's FAP group due to student status.

Concerning the dispute of Son's removal, Petitioner is barred by timeliness. A client's request for hearing must be received in the MDHHS local office within 90 days of the date of the written notice of case action.¹ BAM 600 (June 2024) p. 6. Petitioner requested a hearing on December 3, 2025. Petitioner's hearing request was submitted 258 days after MDHHS issued written notice. Thus, Petitioner's hearing request was untimely to dispute the removal of Son from Petitioner's FAP eligibility.

Petitioner's testimony implied a change in Son's circumstances concerning employment that could result in a return for Son to the FAP benefit group. Petitioner testified that Son works eight weekly hours for a retail store and is self-employed as a barber. Petitioner was unsure of Son's work hours but thought they could total at least 20 hours per week. However, MDHHS was not budgeting any income for Son. Furthermore, no work hours for Son was reported on Petitioner's SER application dated [REDACTED] 2025. Exhibit A, pp. 6-12.

Given the evidence, Petitioner failed to timely dispute the removal of Son from ongoing FAP eligibility. The evidence also did not support a change to Son's ongoing student status.

¹ For FAP benefits, a hearing request may be made orally. BAM 600 (June 2024) p. 6.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1 *et seq.* MDHHS administers the program pursuant to MCL 400.10 and Mich Admin Code, R 400.7000 to R 400.7049. SER policies are contained in the Emergency Services Manual (ERM).

Petitioner also requested a hearing to dispute SER. Exhibit A, pp. 3-5. Petitioner applied for SER on [REDACTED] 2025, seeking assistance for energy and water. Exhibit A, pp. 6-12. A State Emergency Relief Decision Notice dated December 11, 2025, stated that Petitioner's SER application was denied due to Petitioner's failure to verify her and Son's self-employment income.² Exhibit A, pp. 15-17.

For SER applications, MDHHS must verify all countable income. ERM 206 (October 2025) p. 6. For all SER applications, clients must be informed of all verifications that are required and where to return verifications. ERM 103 (October 2025) p. 6. MDHHS is to use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. *Id.*, p. 7 The due date is eight calendar days beginning with the date of application. *Id.* If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. *Id.* MDHHS is to deny the SER application if the group does not cooperate in meeting MDHHS's 10-day standard of promptness to process the application. *Id.*, p. 6.

MDHHS sent Petitioner a SER Verification Checklist on November 25, 2025, requesting proof of Petitioner's and Son's self-employment income. Exhibit A, pp. 13-14. Petitioner's due date to return verification was December 2, 2025.

Petitioner testified that she had no self-employment income at the time of SER request and that Son was performing self-employment as a barber. Petitioner's testimony acknowledged that she did not return to MDHHS a statement of her self-employment income stoppage or verification for Son's self-employment.

Petitioner contended that MDHHS should have relied on income verifications previously returned to MDHHS. MDHHS credibly responded that Petitioner last returned verifications to MDHHS in September 2025. MDHHS is to verify income at SER application. ERM 206 (October 2024) p. 6. Thus, MDHHS properly requested income verification despite a previous verification of income.

Given the evidence, Petitioner failed to timely verify income by the SER denial date of December 11, 2025. Thus, MDHHS properly denied Petitioner's SER application. As discussed during the hearing, Petitioner can reapply for SER if assistance is still needed.

² Petitioner requested a hearing before her SER application was denied. Petitioner's stated purpose for disputing SER was MDHHS's request for documentation. Consideration was given to dismissing Petitioner's hearing request concerning SER because no adverse action had taken place; nevertheless, the analysis will proceed to evaluate whether the SER application denial was proper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner failed to timely request a hearing concerning the removal of Son from her FAP benefit group. Concerning the removal of Son from Petitioner's benefit group. Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER application dated [REDACTED] 2025, for energy and water. MDHHS also established that it properly excluded Son from Petitioner's ongoing FAP eligibility. Concerning SER and the return of Son to Petitioner's FAP benefit group, the actions taken by MDHHS are **AFFIRMED**.



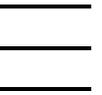
CHRISTIAN GARDOCKI
ADMINISTRATIVE LAW JUDGE

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.



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[REDACTED]

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