Michigan Office of Administrative Hearings and Rules
P.O. Box 30639
Lansing, MI 48909

**Date Mailed:** January 15, 2026
**Docket No.:** 25-046528
**Case No.:** [redacted]
**Petitioner:** [redacted]

[redacted] MI [redacted]

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**هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.**

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

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**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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**Docket No.:** 25-046528
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## HEARING DECISION

On December 3, 2025, Petitioner Samantha Smith-Hill requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on January 13, 2026. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Assistance Payments Supervisor Jarrod Swartz appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. An 85-page packet of documents provided by the Department was admitted collectively as Exhibit A.

## ISSUE

Did the Department properly determine Petitioner's FAP benefit amount?

## 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 is a FAP benefit recipient.

2. Petitioner lives with her three children: [redacted], [redacted], and [redacted].

3. [redacted] is a part-time college student, his birthdate is [redacted] 2004, and he does not work.

4. The Department determined that [redacted] was an ineligible student.

5. Petitioner pays $2,000.00 per month for rent.

6. Petitioner is responsible for paying her heating/cooling utilities.

7. Petitioner is employed by [redacted]. Petitioner is a full-time employee. Petitioner works an average of 40 hours per week, Petitioner's pay rate is $[redacted] per hour, and [redacted] pays Petitioner bimonthly.

8. Petitioner submitted a redetermination to renew her FAP eligibility, and Petitioner provided the following paycheck stubs:

   a. September 25, 2025, paid $[redacted]

   b. October 10, 2025, paid $[redacted]

   c. October 24, 2025, paid $[redacted]

9. The Department obtained data that showed Petitioner received $[redacted] per month for child support in July 2025, August 2025, and September 2025.

10. The Department redetermined Petitioner's FAP eligibility, and the Department determined that Petitioner was eligible for a maximum FAP benefit of $83.00 per month, effective November 1, 2025.

11. The Department determined Petitioner's FAP eligibility based on the following information:

    a. Group size of three

    b. Earned income of $[redacted] per month

    c. Unearned income of $[redacted] per month

    d. Standard deduction of $[redacted] per month

    e. Housing cost of $2,000.00 per month

    f. Heat/utility standard of $682.00 per month

12. On October 27, 2025, the Department mailed a notice of case action to Petitioner to notify her that she was eligible for a FAP benefit of $83.00 per month, effective November 1, 2025.

13. Petitioner requested a hearing to dispute her FAP benefit amount.

## 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) 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 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, the Department determined that Petitioner was eligible for a maximum FAP benefit of $83.00 per month, effective November 1, 2025. Petitioner is disputing her FAP benefit amount. Thus, the issue is whether the Department properly determined Petitioner's FAP benefit amount.

The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income and then looking that information up in its applicable Food Issuance Table. BEM 212 (June 1, 2025), BEM 213 (October 1, 2024), BEM 550 (April 1, 2025), BEM 554 (October 1, 2025), BEM 556 (October 1, 2025), RFT 255 (October 1, 2025), and RFT 260 (October 1, 2025).

The Department determined that Petitioner's group size was three because the Department determined that Adrian was an ineligible student. An individual aged 18 to 49 and enrolled in school half-time or more is in student status. BEM 245 (July 1, 2023), pp. 3-4. In order for an individual in student status to be eligible for FAP benefits, the individual must be employed at least an average of 20 hours per week or meet other criteria set in policy. *Id.* at 4-6. The Department properly determined that [redacted] was in student status because he was aged 18 to 49 and enrolled in school half-time or more. The Department also properly determined that Adrian was an ineligible student because he was not employed at least an average of 20 hours per week, and he did not meet other criteria set in policy to be considered eligible. Thus, the Department properly determined that Petitioner's group size was three.

Petitioner reported that she was working 40 hours per week, her pay rate was $[redacted] per hour, and she was paid bimonthly. Petitioner received paychecks for $[redacted] and $[redacted] in the 30 days prior to the Department's redetermination. All income must be converted to a standard monthly amount when the Department budgets income. BEM 505 (June 1, 2025), p. 8. Bimonthly income is added together to convert it to a standard monthly amount. *Id.* Thus, the standard monthly amount of Petitioner's earned income was $[redacted] (rounded down).

Petitioner also received income from child support. Although Petitioner asserted that she was not receiving $[redacted] per month for child support, the Department presented sufficient evidence to establish that Petitioner had received $[redacted] per month for child support in July 2025, August 2025, and September 2025. Thus, the Department properly determined that Petitioner was receiving $[redacted] per month for child support.

Based on Petitioner's gross earned income of $[redacted] per month, Petitioner's unearned child support income of $[redacted] per month, Petitioner's housing cost of $2,000.00 per month, and Petitioner's obligation to pay her heating/cooling utilities,

Petitioner's net income was $[redacted] per month. Based on Petitioner's net income of $[redacted] and Petitioner's group size of three, the maximum FAP benefit amount that Petitioner was eligible for was $82.00 per month. This is $1.00 less than the amount the Department determined, but the difference was likely due to a rounding difference. Accordingly, the Department properly determined Petitioner's FAP benefit amount when the Department determined that Petitioner was eligible for a maximum FAP benefit of $83.00 per month, effective November 1, 2025.

Petitioner asserted that all her expenses should be considered in determining her FAP eligibility. Petitioner asserted that the Department's policy does not take into consideration the reality of her financial situation. Although Petitioner may not have a net income of $[redacted] per month to live on, the Department properly used the maximum deductions and standards that it was permitted to use to calculate Petitioner's FAP benefit amount, and the Department properly determined the maximum FAP benefit amount that Petitioner was eligible for. Therefore, the Department's decision is affirmed.

## 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 its policies and the applicable law when it determined Petitioner's FAP benefit amount.

**IT IS ORDERED** that the Department's decision is **AFFIRMED**.

**JEFFREY KEMM**
**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:** **Petitioner**
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