

Date Mailed: January 22, 2026

Docket No.: 25-047204

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 Amanda Boobyer, Assistance Payments Supervisor (APS).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-17.

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. On March 21, 2025, Petitioner submitted a Redetermination for his FAP case. (Exhibit A, pp. 3-7)
2. Effective November 1, 2025, non-senior, disabled, or disabled veteran (non-SDV) households no longer qualify for the full heat and utility (h/u) standard expense based on the receipt of Low-Income Home Energy Assistance Payments (LIHEAP) funds alone. (Exhibit A, p. 10)
3. On November 11, 2025, a Notice of Case Action was issued to Petitioner stating the FAP monthly benefit would decrease to \$24.00 effective December 1, 2025 based on a change with shelter expenses. (Exhibit A, pp. 1-17)
4. On December 4, 2025, Petitioner submitted a hearing request contesting the Department's determination. (Exhibit A, unnumbered page)

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) [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.

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

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 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.

However, on November 10, 2025, ESA Memo 2025-53 was issued addressing changes with LIHEAP effective November 1, 2025 pursuant to HR1 (One Big Beautiful Bill Act). Specifically, non-SDV households that receive a LIHEAP payment no longer qualify automatically for the full h/u standard based on that payment alone. Exhibit A, p. 10.

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 evidence shows that the Department properly determined Petitioner's eligibility for FAP when the Redetermination was processed based on the policy changes. The FAP budget was reviewed with Petitioner and no errors were identified.

(Petitioner Testimony). The Department considered earned income, the current rent expense at that time, and individual utility standards. Exhibit A, p. 12. Petitioner no longer qualified for the full h/u standard based on receiving a LIHEAP payment because it was not an SDV household.

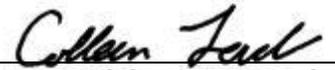
Petitioner noted that his rent will be increasing to \$450.00. As discussed, Petitioner should report this change to the Department when it occurs, and provide verification, so that the new rent expense can be considered in determining Petitioner's ongoing eligibility for FAP benefits.

Overall, the evidence shows that the Department properly determined Petitioner's eligibility for FAP when the Redetermination was processed.

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 Department policy when it determined Petitioner's eligibility for FAP benefits.

Accordingly, the Department's decision is **AFFIRMED**.



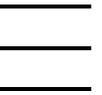
COLLEEN LACK
ADMINISTRATIVE LAW JUDGE

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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