



Date Mailed: January 27, 2026
Docket No.: 25-048047
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED] MI [REDACTED]

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

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Docket No.: 25-048047

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; 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 hearing was held by teleconference on January 22, 2026. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Arnesia Woods, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner Food Assistance Program (FAP) benefits due to excess gross income?

Did the Department properly deny Petitioner State Emergency Relief (SER) assistance due to excess income?

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 [REDACTED] 2025, the Department received an application for FAP benefits and SER assistance for heat, electric, water, and housing costs and repairs from Petitioner. Petitioner reported that she was the only member of her household, was employed by [REDACTED] (Employer) an average of 36 hours per week, and earned \$[REDACTED] bi-weekly. (Exhibit A, pp. 7 – 14).
2. On December 11, 2025, the Department interviewed Petitioner. Petitioner confirmed that she was the only member of her household and employed by Employer. She reported that she earned \$[REDACTED] per hour, worked 30 hours or more per week, and was paid bi-weekly. (Exhibit A, pp. 17 – 24).
3. On December 11, 2025, the Department retrieved a Work Number report by Equifax regarding Petitioner's employment and earning history from Employer. The report reflected that Petitioner earned:
 - a. \$[REDACTED] in gross pay, and \$[REDACTED] in net pay, on October 24, 2025, for 72 hours of work,

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- b. \$ [REDACTED] in gross pay, and \$ [REDACTED] in net pay, on November 7, 2025, for 75 hours of work,
 - c. \$ [REDACTED] in gross pay, and \$ [REDACTED] in net pay, on November 21, 2025, for 72 hours of work, and
 - d. \$ [REDACTED] in gross pay, and \$ [REDACTED] in net pay, on December 5, 2025, for 80 hours of work.

(Exhibit A, pp. 15 – 16).

- 4. On December 11, 2025, the Department sent Petitioner a:
 - a. Notice of Case Action (NOCA) that denied her FAP benefits due to excess gross income (Exhibit A, pp. 25 – 26), and
 - b. SER Decision Notice (SERDN) that denied her SER assistance due to excess income and stated that she did not meet the housing affordability requirements (Exhibit A, pp. 35 – 36).
- 5. On December 16, 2025, the Department received a request for hearing from Petitioner, disputing the denial of her application for FAP benefits and SER assistance. (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).

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 State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Petitioner requested a hearing to dispute the Department's denial of her application for FAP benefits and SER assistance. The Department denied Petitioner's application for

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each program due to excess income, and also denied Petitioner SER home ownership assistance because she did not meet the housing affordability requirement.

FAP

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income and must consider all countable earned and unearned income available to the Petitioner. BEM 500 (April 2022), pp. 1 – 5. The calculation of earned income begins with gross income, which is the amount of income before any deductions such as taxes, insurance premiums, and child support payments. BEM 500, pp. 4 – 5. For purposes of FAP, wages from employment are earned income and may be prospected. BEM 501 (October 2025), pp. 6 – 7. Prospective income is income not yet received, but expected, and is based on the past 30 days when that income appears to accurately reflect what is expected to be received in the benefit month. BEM 505 (June 2025), pp. 1, 6 – 7. For FAP, the Department must convert income that is received more often than monthly into a standard monthly amount and the average of bi-weekly amounts is multiplied by 2.15. BEM 505, pp. 8 – 9.

The Department testified that it determined Petitioner's employment income from Employer based on the last 30 days of income she received prior to her application; specifically, Petitioner's bi-weekly paystubs dated November 7 and November 21, 2025, in the gross amounts of \$ [REDACTED] and \$ [REDACTED] respectively. Petitioner confirmed that her gross earnings on those pay dates were correct. A review of the record established that, based on Petitioner's bi-weekly gross earnings in the 30 days prior to her application, the Department properly determined that she had gross monthly income of \$ [REDACTED].

The record established that Petitioner is under 60 years of age and not disabled. FAP groups with gross income of more than 200% of the federal poverty level (FPL) and no senior, disabled, or disabled veteran (SDV) members, must have income below the gross and net income limits for their group size. BEM 550 (April 2025), p. 1; BEM 213 (October 2024), p. 1; RFT 250 (October 2025); Bridges Policy Glossary (BPG) (June 2024), p. 30. The monthly gross income limit for a one-person, non-categorically eligible, non-SDV FAP group, is 130% of the FPL, which was \$1,696 in 2025. 7 CFR 273.9(a); RFT 250.

Therefore, because Petitioner's gross monthly income was more than \$1,696, she was not eligible for FAP benefits and the Department properly denied her application for FAP benefits due to excess gross income.

It is noted that Petitioner expressed dissatisfaction that she was not informed of the income limits on the application or during her interview, and testified that she would not have pursued FAP benefits if she had known the limits. However, because each client's income, source of income, and individual circumstances vary, the Department is

required to verify a client's countable income and calculate it in accordance with policy before determining eligibility. BEM 213, p. 2.

SER

SER assistance related to a group's:

- a. Heat and electricity services are considered energy services (EnS);
- b. Water, sewer, or cooking gas are considered utilities (Utilities); and
- c. House payments and home repairs, among other items, are considered under home ownership (HO).

ERM 301 (October 2025), p. 1, ERM (December 2022), p. 1; ERM 304 (October 2024), p. 1.

Eligibility for each of these types of SER assistance is based, in large part, on the SER group's countable income, which is the total expected net income for the 30-day period beginning the day the Department receives the application for SER. ERM 206 (October 2025), pp. 1 – 4. For SER groups with employment or self-employment income only, the Department determines the group's net income by deducting allowable expenses of employment from the total gross amount the SER group expects to receive in the 30-day period. ERM 206, p. 5. For purposes of SER, net income from employment or self-employment is determined by deducting allowable expenses of employment, such as income taxes, health insurance premiums, and other specific expenses, from the gross amount of earnings. ERM 206, pp. 5 – 6.

For EnS and Utilities, the countable income limit for a one-person SER group, such as Petitioner's, is \$1,956 for the month being tested. ERM 100 (October 2025), p. 4; ERM 208 (October 2025), pp. 1, 6; ERM 301, p. 7. If the SER group's income exceeds the limit, the request must be denied. ERM 208, p. 1.

For HO, housing affordability is also a condition of eligibility for SER assistance. ERM 207 (October 2020), p. 1. To determine whether an SER group meets the housing affordability requirement, the Department must multiply the group's total net countable income by 75% and the result is the maximum total housing obligation the group can have based on their income, to be eligible for SER housing services; unless the group is renting and heat, electric or water/cooking gas is included in the rent. ERM 207, p. 2.

Here, Petitioner requested SER assistance for EnS, Utilities, and HO on December 2, 2025. The Department denied Petitioner EnS and Utility assistance due to excess income, and HO assistance due to failure to meet the housing affordability requirement.

The Department testified that it calculated Petitioner's countable income for purposes of SER based on her gross earnings from November 7 and November 21, 2025.

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However, policy required the Department to determine Petitioner's expected net income for the period of December 2, 2025 to January 1, 2026. Additionally, there was no evidence that the Department considered any allowable deductions, such as income taxes, health insurance premiums, or other specific expenses withheld by the Employer, to calculate Petitioner's countable net income. ERM 206, p. 5.

A review of the record established that Petitioner's net pay from Employer was consistently \$275 to \$450 less than her gross pay. (Exhibit A, p. 16). However, there was no evidence that the Department questioned Petitioner regarding the deductions or requested verification of them from her to determine her countable net income. ERM 206, pp. 6 – 7; BAM 130 (May 2024), pp. 3 – 4. Thus, the Department did not establish that it calculated Petitioner's countable net income in accordance with SER policy.

Therefore, because Petitioner's SER eligibility and housing affordability was dependent on calculation of her countable net income in accordance with SER policy, which was not established, the Department failed to establish that it properly denied Petitioner SER assistance due to excess income and failure to meet the housing affordability requirement.

DECISION AND ORDER

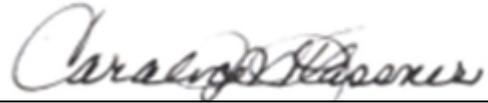
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner FAP benefits due to excess gross income, but did not act in accordance with Department policy when it determined Petitioner's countable net income for purposes of SER assistance.

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to **FAP** and **REVERSED IN PART** with respect to **SER**.

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. Reprocess Petitioner's [REDACTED] 2025 SER application for assistance, requesting additional verifications if necessary;
2. If Petitioner is eligible for SER assistance, pay the provider of approved services for any SER benefits Petitioner is eligible to receive, subject to all related requirements set forth in policy; and

3. Notify Petitioner of its action in writing.



CARALYCE M. LASSNER
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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Via Electronic Mail:

Respondent

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