

**Date Mailed:** February 4, 2026

**Docket No.:** 25-048454

**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 February 2, 2026. Petitioner participated and was represented. [REDACTED] Petitioner's daughter participated as Petitioner's authorized hearing representative (AHR), a Farsi-English translator, and as a witness for Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Jamilla Goods, specialist.

**ISSUE**

The issue is whether MDHHS properly determined Petitioner's Food Assistance Program (FAP) eligibility.

**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, Petitioner applied for FAP benefits and reported a household with no other persons and [REDACTED] household income.
2. As of November 2025, Petitioner received [REDACTED] in ongoing gross monthly Supplemental Security Income (SSI) and average gross monthly Supplemental Security Payments (SSP) of [REDACTED]
3. As of November 2025, Petitioner's household had no child support, dependent care, or verified medical expenses.
4. As of November 2025, Petitioner paid \$300 for monthly housing expenses with an obligation for paying electricity and telephone.
5. On [REDACTED] 2025, MDHHS approved Petitioner for \$48 in monthly FAP benefits for November 2025, \$104 in FAP benefits in December 2025, and \$92 in FAP benefits beginning January 2026.

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6. On November 25, 2025, MDHHS requested from Petitioner medical expense verification due by December 5, 2025.
  7. On December 15, 2025, MDHHS again determined that Petitioner was eligible for \$92 in FAP benefits beginning January 2026.
  8. On December 15, 2025, Petitioner submitted to MDHHS verification of one-time medical expenses totaling \$235.
  9. On December 23, 2025, MDHHS updated Petitioner's FAP benefit eligibility to \$182 for January 2026 based on Petitioner's verified medical expenses.
  10. On December 30, 2025, Petitioner requested a hearing to dispute FAP eligibility.

### **CONCLUSIONS OF LAW**

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute FAP eligibility. Exhibit A, pp. 3-5. Petitioner applied for FAP benefits on [REDACTED] 2025. Exhibit A, pp. 7-14. A Notice of Case Action dated November 17, 2025, stated that Petitioner was eligible for \$48 in monthly FAP benefits for November 2025 and \$104 in FAP benefits in December 2025. Exhibit A, pp. 18-22.

Petitioner repeatedly testified that she received more than \$104 in FAP benefits earlier in 2025; for example, Petitioner testified she received \$265 in FAP benefits in January 2025. Petitioner repeatedly expressed a lack of understanding of why she would be eligible for more FAP benefits in January 2025 than in November or December 2025. Factors such as changes in group size, changes in income, changes in expenses, and MDHHS policy changes could explain the difference. However, a recipient's current FAP eligibility is not calculated based on previous FAP eligibility.

FAP benefit amounts are determined by a client's net income. BEM 556 outlines the factors and calculations required to determine a client's net income. FAP net income is based on group size, countable monthly income, and relevant monthly expenses. MDHHS presented FAP budget documentation listing all eligibility factors and calculations. Exhibit A, pp. 26-28. A budget summary from the approval notice also listed FAP budget factors. Exhibit A, p. 19. During the hearing, all relevant budget factors were discussed with Petitioner.

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MDHHS factored a benefit group including only Petitioner. Petitioner did not dispute the FAP benefit group size of one person.<sup>1</sup>

Petitioner failed to report receipt of any income on her benefit application. Exhibit A, p. 11. Following the application submission, MDHHS discovered that Petitioner received █████ in monthly gross SSI. MDHHS credibly testified that Petitioner was also eligible to receive █████ in averaged monthly SSP, though Petitioner's testimony did not acknowledge receipt of SSP. For FAP, MDHHS is to count a gross SSI benefit. BEM 503 (January 2025) p. 36. For FAP, MDHHS is to count a gross SSP benefit. *Id.*, p. 38. Petitioner's countable income totals █████.<sup>2</sup>

MDHHS uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554 (January 2025) p. 1. For groups without a senior (over 60 years old), disabled or disabled veteran (SDV) member, MDHHS considers the following expenses: shelter expenses (housing and utilities) up to a capped amount, dependent care costs, and court-ordered child support and arrearages paid to non-household members (see *Id.*). An SDV group that has a verified one-time or ongoing medical expense(s) of more than \$35 for an SDV person(s) will receive the standard medical deduction (SMD) of \$165. *Id.*, p. 9. If the group has actual medical expenses which are more than the SMD, the group has the option to verify their actual expenses instead of receiving the SMD. *Id.*

Petitioner contended that MDHHS should have factored Petitioner's auto insurance expenses of \$120 per month. Auto insurance is not a countable FAP expense.

Petitioner did not allege dependent care or child support expenses. As a disabled individual, Petitioner's medical expenses may affect FAP eligibility. Petitioner reported having medical expenses on her FAP application. Exhibit A, p. 12. In response, MDHHS mailed Petitioner a VCL dated November 25, 2025, requesting verification of medical expenses. Exhibit A, pp. 15-16. The VCL due date was December 5, 2025. *Id.* Petitioner did not submit proof of medical expenses until December 15, 2025.

Changes which result in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date. BAM 220 (October 2025) p. 8. If verification is returned late, the increase must affect the month after verification is returned. *Id.*

Because Petitioner returned requested verifications after the VCL due date, Petitioner was not entitled to a benefit update until the following month after submission: January 2026. Thus, Petitioner's medical expenses for November and December 2025 were properly calculated by MDHHS to be \$0.

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<sup>1</sup> See BEM 212 for policies on determining group size for FAP benefits.

<sup>2</sup> As an SSI recipient, Petitioner may be eligible to receive food benefits through the Michigan Combined Application Project (MiCAP). MiCAP allows certain SSI recipients to receive food benefits under more favorable policies than the FAP (see BAM 618). The phone number to apply for MiCAP is 877-522-8050

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Petitioner's FAP benefit group size justifies a standard deduction of \$209 (see RFT 255). The standard deduction is given to all FAP benefit groups, though the amount varies based on the benefit group size. The standard deduction and countable non-shelter expenses are subtracted from the countable monthly income to calculate the group's adjusted gross income. Subtracting the standard deduction (\$209) and countable non-shelter expenses (\$0) from the group's countable income [REDACTED] results in an adjusted gross income of [REDACTED]

MDHHS credited Petitioner with monthly housing expenses of \$300. Petitioner reported the same housing expense on her application. Exhibit A, p. 13. Petitioner also reported utility obligations for electricity and phone.<sup>3</sup> *Id.* MDHHS issued respective standard utility credits of \$181 and \$31. RFT 255 (October 2025) p. 1. Petitioner's total shelter credits (housing + utilities) were \$512

MDHHS only credits FAP benefit groups with an "excess shelter" expense. The expense is calculated by subtracting half of Petitioner's adjusted gross income from Petitioner's total shelter obligation. Petitioner's excess shelter expense is \$126.

The FAP benefit group's net income is determined by subtracting the excess shelter expense from the group's adjusted gross income; doing so results in [REDACTED] in net income for Petitioner's group. A chart is used to determine the proper FAP benefit issuance.<sup>4</sup> RFT 260 (October 2025) pp. 1-5. Based on Petitioner's group size and net income, Petitioner's proper FAP issuance for December 2025 is \$104; MDHHS calculated the same amount.

Concerning November 2025, MDHHS determined Petitioner to be eligible for \$48 in FAP benefits. Petitioner applied for FAP benefits on the 17<sup>th</sup> of the month. MDHHS prorates benefits in the application month based on the application date and days in the application month (see BEM 554). Multiplying the non-prorated FAP benefit amount of \$104 by the number of days left in the month starting with the application date (14) and dividing by the number of days in the month (30) results in a prorated benefit amount of \$48 (dropping cents): the same amount calculated by MDHHS.

For January 2026, MDHHS originally calculated that Petitioner was eligible to receive \$92 in FAP benefits. Exhibit A, pp. 18-22. MDHHS determined that Petitioner was eligible to receive \$182 in FAP benefits after receiving documentation of medical expenses. Exhibit A, pp. 35-39. As discussed above, Petitioner untimely submitted medical expenses to MDHHS on December 15, 2025, which should affect the following month's eligibility. Petitioner's submission verified one-time medical expenses of \$47.37 from February 2025, \$22.12 from June 2025, \$151.52 from an unspecified date, and \$14.21 from May 2025. Exhibit A, pp. 29-32. The expenses totaled \$235 (dropping cents). Applying the standard \$35 medical expense copayment results in \$200 in

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<sup>3</sup> Internet expenses were also reported. MDHHS no longer factors internet expenses in determining FAP eligibility. RFT 255 (October 2025) p. 1.

<sup>4</sup> FAP eligibility can also be calculated by multiplying the net income by 30% and subtracting the amount from the maximum FAP issuance for the group.

countable expenses. A second change from December 2025 was Petitioner's increase in SSI creating a total income of [REDACTED] no other changes were applicable. Subtracting the standard deduction of \$209 and non-shelter expenses of \$200 results in an AGI of [REDACTED]. Based on Petitioner's \$512 in shelter expenses, Petitioner's excess shelter deduction is \$213. Subtracting the excess shelter deduction from an AGI of [REDACTED] results in a net income of [REDACTED] and corresponding benefit issuance of \$182: the same amount calculated by MDHHS. Exhibit A, pp. 33-34.

For February 2026, MDHHS updated Petitioner's FAP eligibility to \$92 after Petitioner's one-time medical expenses were removed from the budget. The determination was based on SSI and SSP totaling [REDACTED] \$0 non-shelter expenses, and the \$209 standard deduction resulting in an AGI of [REDACTED]. Petitioner's shelter expenses of \$512 remained unchanged resulting in an excess shelter deduction of \$113, Subtracting the excess shelter deduction from Petitioner's AGI results in a net income of [REDACTED] and a corresponding benefits issuance of \$92: the same amount calculated by MDHHS.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly determined Petitioner's FAP eligibility for November 2025, December 2025, January 2026, and February 2026. 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](https://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](mailto: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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