



**Date Mailed:** February 3, 2026

**Docket No.:** 25-048489

**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।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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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Case No.: [REDACTED]

Petitioner: [REDACTED]

### HEARING DECISION

On December 19, 2025, Petitioner [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on January 29, 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 Hearing Facilitator Amber Gibson appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 31-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 partner, [REDACTED], and two children, [REDACTED] and [REDACTED].
3. On November 20, 2025, [REDACTED] obtained employment at [REDACTED].
4. [REDACTED] worked 40 hours per week for [REDACTED], plus some overtime hours.
5. [REDACTED] paid [REDACTED] \$[REDACTED] per hour, plus a \$[REDACTED] per hour shift differential.

6. [REDACTED] paid [REDACTED] weekly.
7. Petitioner notified the Department that [REDACTED] obtained new employment.
8. On December 17, 2025, the Department obtained information about [REDACTED] employment at [REDACTED].
9. The Department redetermined Petitioner's FAP eligibility, and the Department determined that Petitioner was eligible for a maximum FAP benefit of \$401.00 per month, effective January 1, 2026.
10. The Department determined Petitioner's FAP eligibility based on the following information:
  - a. Group size of four
  - b. Earned income of \$[REDACTED] per month
  - c. Standard deduction of \$223.00 per month
  - d. Housing cost of \$1,200.00 per month
  - e. Water/sewer standard of \$119.00 per month
  - f. Trash standard of \$30.00 per month
11. On December 17, 2025, the Department mailed a notice of case action to Petitioner to notify her that she was eligible for a FAP benefit of \$401.00 per month, effective January 1, 2026.
12. The Department did not consider [REDACTED] child support expense when it determined Petitioner's FAP eligibility.
13. Quandell Alexander made the following child support payments:
  - a. \$[REDACTED] paid in September 2025
  - b. \$[REDACTED] paid in October 2025
  - c. \$[REDACTED] paid in November 2025
14. Petitioner requested a hearing to dispute her FAP benefit amount.
15. Petitioner provided copies of income withholding orders for [REDACTED] child support. The orders indicated that the following child support should be withheld from [REDACTED] weekly paychecks:

- a. \$ [REDACTED] for [REDACTED]
  - b. \$ [REDACTED] for [REDACTED]
  - c. \$ [REDACTED] for [REDACTED]
16. Petitioner provided copies of [REDACTED] paycheck stubs. Petitioner provided the following paycheck stubs:
- a. December 12, 2025, check date with total gross pay of \$ [REDACTED], including \$ [REDACTED] for overtime.
  - b. December 19, 2025, check date with total gross pay of \$ [REDACTED]. The following child support was withheld: \$142.18, \$31.03, and \$20.69.
17. The Department redetermined Petitioner's FAP eligibility, and the Department determined that Petitioner was eligible for a maximum FAP benefit of \$340.00 per month, effective February 1, 2026.
18. The Department determined Petitioner's FAP eligibility based on the following information:
- a. Group size of four
  - b. Earned income of \$ [REDACTED] per month
  - c. Child support expense of \$150.00 per month
  - d. Standard deduction of \$223.00 per month
  - e. Housing cost of \$1,200.00 per month
  - f. Water/sewer standard of \$119.00 per month
  - g. Trash standard of \$30.00 per month
19. On January 9, 2026, the Department mailed a notice of case action to Petitioner to notify her that she was eligible for a FAP benefit of \$340.00 per month, effective February 1, 2026.

### **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).

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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 \$401.00 per month, effective January 1, 2026. 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).

Petitioner had a group size of four because Petitioner lived with her partner and two children. Petitioner's partner, [REDACTED], was working 40 hours per week, his pay rate was \$ [REDACTED] per hour (with a \$ [REDACTED] per hour shift differential), and he was paid weekly. The Department should have determined Petitioner's partner's earned income based on this information. All income must be converted to a standard monthly amount when the Department budgets income. BEM 505 (June 1, 2025), p. 8. Weekly income is multiplied by 4.3 to convert it to a standard monthly amount. *Id.* Thus, the standard monthly amount of Petitioner's partner's earned income was \$ [REDACTED] (rounded down). This was calculated as follows: \$ [REDACTED] (hourly rate) x 40 (hours per week) x 4.3 (multiplier for standard monthly amount). The Department did not properly determine Petitioner's partner's income because the Department determined that Petitioner's partner's income was \$ [REDACTED] per month.

Petitioner's partner was required to pay child support. The Department did not properly consider Petitioner's partner's child support expense. At the time that the Department redetermined Petitioner's FAP eligibility on December 17, 2025, the only information that the Department had about Petitioner's partner's child support expense was information that the Department obtained from a database. The information in the database indicated that Petitioner's partner paid a total of \$150.00 for child support in September 2025, Petitioner's partner paid a total of \$150.00 for child support in October 2025, and Petitioner's partner paid a total of \$0.00 for child support in November 2025. The Department is required to convert expenses to a standard monthly amount. BEM 554 at 3-4. Accordingly, the Department should have averaged the payments and determined that Petitioner's partner had a child support expense of \$100.00 per month.

Based on Petitioner's partner's gross earned income of \$ [REDACTED] per month, Petitioner's partner's child support expense of \$100.00 per month, Petitioner's housing cost of \$1,200.00 per month, Petitioner's obligation to pay her water/sewer utilities, and Petitioner's obligation to pay trash, Petitioner's net income was \$ [REDACTED] per month.

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Based on Petitioner's net income of \$ [REDACTED] and Petitioner's group size of four, the maximum FAP benefit amount that Petitioner was eligible for was \$289.00 per month. The Department did not properly determine Petitioner's FAP eligibility when the Department determined that Petitioner was eligible for a FAP benefit of \$401.00 per month, effective January 1, 2026.

Subsequently, Petitioner provided the Department with additional information about Petitioner's partner's child support expense. Petitioner provided orders showing that Petitioner's partner was going to have the following child support withheld from each weekly paycheck: \$142.18, \$31.03, and \$20.69. Petitioner also provided a December 19, 2025, paycheck stub that showed that child support was withheld from his paycheck for \$142.18, \$31.03, and \$20.69. Thus, Petitioner established that Petitioner's partner was paying a total of \$193.90 per week for child support. This converts to a standard monthly amount of \$833.77 when multiplied by 4.3. The Department should have redetermined Petitioner's FAP eligibility based on a child support expense of \$833.77 per month.

Based on Petitioner's partner's gross earned income of \$ [REDACTED] per month, Petitioner's partner's child support expense of \$833.00 per month, Petitioner's housing cost of \$1,200.00 per month, Petitioner's obligation to pay her water/sewer utilities, and Petitioner's obligation to pay trash, Petitioner's net income was \$ [REDACTED] per month. Based on Petitioner's net income of \$ [REDACTED] and Petitioner's group size of four, the maximum FAP benefit amount that Petitioner was eligible for was \$619.00 per month.

Petitioner provided sufficient information about her partner's child support expense to affect her January 2026 FAP benefit because Petitioner provided information about her partner's child support expense to the Department on December 19, 2025. For changes in expenses, the Department is supposed to complete a FAP eligibility determination in time to affect the benefit month that occurs 10 days after the change was reported. BAM 220 (October 1, 2025), p. 11. In this case, that means that the Department was supposed to complete its FAP eligibility determination in time to affect Petitioner's January FAP benefit. Thus, the Department should have found Petitioner eligible for a FAP benefit of \$619.00 per month, effective January 1, 2026.

For these reasons, the Department's decision is reversed. The Department did not properly determine Petitioner's FAP benefit amount when the Department determined that Petitioner was eligible for a maximum FAP benefit of \$401.00 per month, effective January 1, 2026, and the Department did not properly determine Petitioner's FAP benefit amount when the Department determined that Petitioner was eligible for a maximum FAP benefit of \$340.00 per month, effective February 1, 2026. Petitioner is eligible for a FAP benefit of \$619.00 per month, effective January 1, 2026. The Department must issue a supplement to Petitioner as needed to ensure that Petitioner receives the FAP benefits she was entitled to receive.

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**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 did not act 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 **REVERSED**. Petitioner is eligible for a FAP benefit of \$619.00 per month, effective January 1, 2026. The Department must issue a supplement to Petitioner as needed to ensure that Petitioner receives the FAP benefits she was entitled to receive. The Department must begin to implement this order within 10 days of the mailing date of this hearing decision.



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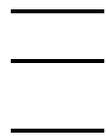
**JEFFREY KEMM**  
**ADMINISTRATIVE LAW JUDGE**

**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](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.



**Via Electronic Mail:**

**Respondent**

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**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]