

Date Mailed: February 11, 2026

Docket No.: 25-048565

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 February 9, 2026. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Brandy Brown, Eligibility Specialist.

ISSUE

Did the Department properly calculate Petitioner's Food Assistance Program (FAP) benefits for October 1, 2025 ongoing?

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 was an ongoing recipient of FAP benefits for a single-person FAP group.
2. Petitioner received monthly unearned income consisting of Retirement, Survivors and Disability Insurance (RSDI) due to a disability and child support for an adult child outside the home.
3. On December 15, 2025, Petitioner requested a hearing to dispute MDHHS's actions concerning her Medicaid case. During discussions with MDHHS concerning her Medicaid case, Petitioner expressed concerns about MDHHS's calculation of her FAP benefits.

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.

On December 15, 2025, MDHHS received a written request for hearing from Petitioner concerning her Medicaid case. While discussing her Medicaid case with MDHHS, Petitioner also raised verbal concerns regarding the calculation of her FAP benefits. At the hearing, Petitioner stated that her Medicaid issues were resolved, and she no longer wished to proceed with a hearing to address Medicaid. Accordingly, Petitioner's hearing request concerning Medicaid is dismissed. However, Petitioner stated that she wanted to pursue a hearing concerning her FAP case. Because Petitioner had presented a verbal hearing request for FAP and MDHHS addressed the FAP case in the hearing summary (Exhibit A, p. 1), the hearing proceeded to address Petitioner's FAP benefits.

At the hearing, MDHHS explained that it had submitted a HelpDesk ticket to change the amount of child support income being budgeted in Petitioner's FAP budget from [REDACTED] to [REDACTED] effective October 1, 2025. However, MDHHS testified that the matter had not been addressed as of the hearing date, it could not produce a number for the HelpDesk ticket, and the HelpDesk had advised the MDHHS representative that it did not have a ticket on file concerning Petitioner's FAP case.

Petitioner explained that the monthly amount of child support paid had not changed: [REDACTED] was consistently paid to her as payee but her adult child took all but [REDACTED] of the income, which she returned to Petitioner. Child support is income to the child for whom the support is paid. BEM 503 (October 2025), p. 6. For payments made for an adult child or child no longer living in the home, MDHHS policy provides in relevant part as follows:

Child support payments, including arrearage payments, received by a custodial party for an adult child or a child no longer living in the home, are considered the other unearned income of the payee if the money is not forwarded to the adult child or child. If the money is forwarded to the adult child or child, it is the other unearned income of the adult child or child.

BEM 503 (October 2025), p. 6.

Based on policy, if Petitioner verified that she only received [REDACTED] of the [REDACTED] in monthly child support paid to her, with the remainder given to her daughter, MDHHS was required to budget only [REDACTED] monthly in child support income to Petitioner. Here, MDHHS failed to satisfy its burden of showing that it was only budgeting [REDACTED] for monthly child support income in calculating Petitioner's FAP budget for October 2025 ongoing.

At the hearing, Petitioner also testified that she had attempted to explain to MDHHS that the Social Security Administration (SSA) had notified her that she had been overpaid RSDI benefits and SSA and was going to reduce her monthly RSDI benefits until the overpayment was repaid to SSA. Policy provides that amounts deducted by an issuing agency to recover a previous overpayment or ineligible payment are not part of gross income and are excluded as income. BEM 500 (January 2026), p. 6.

According to Petitioner, she received monthly RSDI of [REDACTED] in October 2025, [REDACTED] in November 2025, and [REDACTED] for December 2025 ongoing. MDHHS testified that the Single Online Query (SOLQ), MDHHS's interface with SSA, showed that Petitioner was receiving [REDACTED] in monthly RSDI and that was the amount it continued to budget for Petitioner's FAP budget. Because Petitioner's testimony was credible and created a discrepancy with the information relied upon by MDHHS in determining Petitioner's income for FAP purposes, Petitioner should have been given the opportunity to resolve the discrepancy and verify her RSDI income changes. See BAM 130 (February 2026). MDHHS did not act in accordance with policy when it failed to allow Petitioner to do so. As a result, MDHHS failed to show that it acted in accordance with Department policy regarding the income information it used to determine Petitioner's FAP benefit allotment.

DECISION AND ORDER

Based on Petitioner's withdrawal of her hearing request concerning Medicaid, the Medicaid issue is **DISMISSED**.

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 MDHHS did not act in accordance with policy concerning the manner in which it budgeted Petitioner's unearned income from RSDI and child support in determining her monthly FAP benefits for October 2025 ongoing.

Accordingly, MDHHS's FAP decision is **REVERSED**.

MDHHS 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. Recalculate Petitioner's FAP benefits for October 1, 2025 ongoing based on updated RSDI and child support income, if any, requesting verifications from Petitioner if necessary;
2. If eligible, issue supplements to Petitioner for FAP benefits she was eligible to receive from October 1, 2025 ongoing; and
3. Notify Petitioner in writing of its decision.



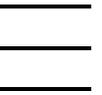
**ALICE C. ELKIN
ADMINISTRATIVE LAW JUDGE**

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:

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Via First Class Mail:

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