

Date Mailed: February 5, 2026

Docket No.: 26-001060

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 unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Jamila 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. As of December 2025, Petitioner received \$150 in ongoing FAP benefits in a benefit group that included two minor children: [REDACTED] (hereinafter, “Child1”) and [REDACTED] (hereinafter, “Child2”)
2. As of December 2025, Petitioner and Child1 were projected to each receive beginning January 2026 Supplemental Security Income (SSI) of [REDACTED] and State Supplemental Payments (SSP) averaging [REDACTED] per month.
3. As of December 2025, no persons in Petitioner’s FAP benefit group had verified child support, dependent care, or medical expenses.
4. As of December 2025, Petitioner paid \$248 for monthly housing expenses. Petitioner also had an obligation to pay heating and/or cooling expenses.
5. On December 15, 2025, MDHHS approved Petitioner for \$251 in monthly FAP benefits beginning January 2026

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6. On January 5, 2025, Petitioner verbally requested a hearing to dispute FAP eligibility for January 2026.

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).

MDHHS documented that Petitioner verbally requested a hearing on January 5, 2026, to dispute Food Assistance Program (FAP) eligibility. Exhibit A, p. 3. Clients may verbally request hearings to dispute FAP benefits BAM 600 (July 2025) p. 3. A Notice of Case Action dated December 15, 2025, stated that Petitioner's FAP eligibility would be increased to \$251 per month beginning January 2026.

Petitioner testified she previously received \$150 in monthly FAP benefits before her case was transferred between MDHHS offices. Petitioner's testimony explained that she requested a hearing because she believed that she was not entitled to an increase in FAP benefits and did not want to be accused of fraud or receiving over-issued FAP benefits.¹

MDHHS testified that Petitioner received monthly Family Independence Program (FIP) benefits of [REDACTED] through December 2025. MDHHS explained that after the FIP benefits were removed from Petitioner's FAP budget beginning January 2026, Petitioner's FAP eligibility was increased. MDHHS's testimony was consistent with a Notice of Case Action dated November 5, 2025, approving Petitioner for \$150 in FAP benefits for December 2025 based on an unearned income which included FIP. Exhibit A, pp. 11-18. However, to determine if MDHHS properly calculated Petitioner's FAP eligibility for January 2026, past FAP issuances need not be considered.

FAP benefit amounts are determined by a client's net income as calculated by MDHHS policy. BEM 556 outlines the factors and calculations required to determine a client's net income for purposes of FAP benefits. Net income is based on group size, countable monthly income, and relevant monthly expenses. A budget summary from the approval notice listed all relevant income and expenses. Exhibit A, p. 30. During the hearing, all relevant current budget factors were discussed with Petitioner.

MDHHS factored a benefit group including Petitioner, Child1, and Child2. Petitioner did not dispute the FAP benefit group size of three persons.²

¹ Consideration was given to dismissing Petitioner's hearing request because Petitioner disputed a beneficial action by MDHHS. However, clients may dispute the current level of FAP eligibility, whether the amount is an increase or not. BAM 600 (July 2025) p. 5.

² See BEM 212 for policies on determining group size for FAP benefits.

It was not disputed that Petitioner and Child1 each received █████ in monthly gross SSI benefit beginning January 2026. It was also not disputed that Petitioner and Child1 each received █████ in SSP benefits every three months: a monthly average of █████ 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 benefit group's countable income totals █████.³

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 factors the following expenses: shelter (housing and utilities) up to a capped amount, dependent care, and court-ordered child support including arrearages paid to non-household members. *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 did not allege having dependent care or medical expenses. Petitioner testified that she pays child support, but MDHHS credibly testified that Petitioner made no verified court-ordered child support payments since May 2025. Thus, MDHHS properly credited Petitioner with \$0 non-shelter expenses.

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 █████ results in an adjusted gross income of █████

MDHHS received documents from Petitioner verifying Petitioner's monthly subsidized rent of \$248. Exhibit A, pp. 7-8. Petitioner did not allege additional housing expenses. MDHHS credited Petitioner with the standard heating/utility (h/u) credit of \$682 based on Petitioner's statements that she was responsible for heating and/or cooling expenses. RFT 255 (October 2024) p. 1. Generally, the h/u credit covers all utility expenses, except internet, and is the maximum credit available for non-internet utilities.⁴ Petitioner's shelter credits (housing + utilities) total \$930.

³ 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). Petitioner was given the phone number of 877-522-8050 during the hearing to pursue food benefits through MiCAP.

⁴ MDHHS allows additional credits for "actual utility expenses". Such expenses are only allowed for utility installation charges, water well installation and maintenance, and septic installation and maintenance. BEM 554 (October 2019) p. 15. There was no evidence of applicable exceptions.

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 \$27.

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.⁵ RFT 260 (October 2025) pp. 1-5. Based on Petitioner’s group size and net income, Petitioner’s proper FAP issuance for January 2026 is \$251: the same amount calculated by MDHHS. Given the evidence, MDHHS properly determined Petitioner’s FAP eligibility.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly determined Petitioner to be eligible for \$251 in monthly FAP benefits beginning January 2026. The actions taken by MDHHS are **AFFIRMED**.



CHRISTIAN GARDOCKI
ADMINISTRATIVE LAW JUDGE

⁵ 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.

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.

