

ISSUES

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

The second issue is whether MDHHS properly determined Petitioner's 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 October 4, 2025, MDHHS mailed Petitioner redetermination documents to be returned by November 3, 2025. The redetermination documents also stated that Petitioner would need to complete and return the form to MDHHS before a redetermination could be held.
2. On November 3, 2025, MDHHS mailed Petitioner a Notice of Missed Appointment informing Petitioner to return redetermination documents and/or call MDHHS for an interview before the end of November 2025 or FAP benefits would end.
3. On November 18, 2025, Petitioner spoke with MDHHS staff concerning a redetermination interview.
4. On November 22, 2025, Petitioner returned redetermination documents to MDHHS.
5. On November 30, 2025, Petitioner's FAP eligibility ended due to a failure to be interviewed.
6. On **REDACTED**, 2025, Petitioner reapplied for FAP benefits.
7. On **REDACTED**, 2026, Petitioner submitted to MDHHS an application for FAP benefits and reported a household including a minor child.
8. In January 2026, Petitioner's minor child received **\$REDACTED** in monthly gross Retirement, Survivors, Disability Insurance (RSDI) benefits.
9. As of January 2026, Petitioner's household had no child support, dependent care, or medical expenses.
10. As of January 2026, Petitioner was responsible for payment of \$0 housing costs and heating and/or cooling utilities.
11. On January 16, 2026, MDHHS determined Petitioner to be eligible for \$303 in FAP benefits for January 2026 and \$470 in FAP benefits beginning February 2026.

12. On January 21, 2026, Petitioner verbally requested a hearing to dispute the termination of FAP benefits and the amount of FAP benefits subsequently approved.

13. As of the date of hearing, MDHHS did not process Petitioner's application dated **REDACTED**, 2025.

CONCLUSIONS OF LAW

The FAP [formerly known as the Food Stamp program] is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 7 USC 2036d. It is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers the FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3001 to R 400.3031. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner verbally requested a hearing, in part, to dispute a termination of FAP benefits. Exhibit A, pp. 3-4. Clients may verbally request hearings to dispute FAP eligibility. BAM 600 (July 2025) p. 2. A Notice of Missed Appointment dated November 3, 2025, stated that Petitioner's FAP eligibility would end beginning December 2025 unless Petitioner submitted redetermination documents and/or scheduled an interview. Exhibit B, p. 1. MDHHS's testimony acknowledged it received Petitioner's redetermination documents on November 22, 2025. However, MDHHS contended that Petitioner's case properly ended after Petitioner allegedly failed to schedule a redetermination interview by the end of November 2025.

MDHHS is to conduct a telephone interview at redetermination before determining ongoing eligibility for FAP benefits. BAM 210 (April 2025) p. 5. If the client misses the interview, MDHHS is to send a MDHHS-254, Notice of Missed Appointment. *Id.* The group loses its right to uninterrupted FAP benefits if it fails to do any of the following: file the FAP redetermination by the timely filing date, participate in the scheduled interview, submit verifications timely if the due date is after the timely filing date. *Id.*, p. 21.

It was not disputed that MDHHS sent Petitioner a Redetermination form on October 4, 2025, to redetermine Petitioner's FAP eligibility beginning December 2025. MDHHS testified it did not receive Petitioner's redetermination form by November 3, 2025. Thus, MDHHS sent Petitioner the Notice of Missed Appointment form warning that Petitioner's FAP eligibility would end at the end of the month unless Petitioner returned a completed redetermination form and scheduled a redetermination interview. Petitioner returned the Redetermination form to MDHHS on November 22, 2025. However, MDHHS contended it properly allowed Petitioner's FAP eligibility to end after Petitioner allegedly failed to schedule and complete a redetermination interview.

Petitioner testified she returned a Redetermination form to MDHHS on some unspecified date before November 3, 2025. Petitioner's testimony was not corroborated by other evidence. Thus, it is found that Petitioner did not return a Redetermination form to MDHHS until November 22, 2025.

Petitioner testified that she called MDHHS on November 18, 2025, about completing the redetermination process. Petitioner also testified that she was told during the call that Petitioner's information would be forwarded to her specialist. Petitioner's testimony was corroborated by a screenshot from Petitioner's phone verifying a 13-minute call with MDHHS on November 18, 2025, though the screenshot indicated that MDHHS called Petitioner. Exhibit 2, p. 1. During the hearing, Petitioner's specialist denied being informed of any phone calls from Petitioner. However, even if the specialist's testimony is accurate, the evidence supported that Petitioner communicated with MDHHS during the period that Petitioner received notice of a pending FAP closure. Thus, the evidence was consistent with Petitioner's efforts in trying to schedule an interview and to comply with MDHHS's redetermination requirements. MDHHS's failure to respond to Petitioner's efforts justifies an order that MDHHS schedule an interview with Petitioner to reprocess the FAP redetermination.

After Petitioner's case closed, Petitioner submitted FAP benefit applications to MDHHS on **REDACTED**, 2025, **REDACTED**, 2026, and **REDACTED**, 2026. Exhibit 1, pp. 1-3. MDHHS processed Petitioner's application submitted on **REDACTED**, 2026.¹ MDHHS's testimony complained of Petitioner's multiple applications but did not explain why Petitioner's application dated **REDACTED**, 2025, went unprocessed.

The evidence established that MDHHS failed to process Petitioner's FAP benefit application dated **REDACTED**, 2025. As a remedy, Petitioner is entitled to a reprocessing of the application. It should be noted that a processing of the application may be unnecessary if Petitioner is eligible for FAP benefits beginning December 2025 after processing Petitioner's FAP redetermination beginning December 2025.

Petitioner lastly requested a hearing to dispute the FAP benefit amounts approved stemming from her application dated **REDACTED**, 2025. Exhibit A, pp. 3-4. MDHHS properly registered Petitioner's application as received on January 12, 2026: the next business day on or after Petitioner's application submission date. BAM 110 (January 2025) p. 6. A Notice of Case Action dated January 16, 2026, stated that Petitioner was approved for \$303 in FAP benefits in January 2026 and \$470 beginning February 2026. Exhibit A, pp. 9-16.

FAP benefit eligibility is based on a client's net income as calculated by MDHHS policy. Net income is based on the client's group size, countable monthly income, and relevant monthly expenses. BEM 556 outlines the factors and calculations required to determine net income. MDHHS presented a summary of budget factors used to calculate Petitioner's

¹ Presumably, MDHHS properly did not process the application dated January 17, 2026, after it began processing Petitioner's application dated January 10, 2026.

net income of **\$REDACTED**. Exhibit A, pp.10-11. During the hearing, all relevant budget factors were discussed with Petitioner.

In determining Petitioner's FAP eligibility, MDHHS factored a benefit group including Petitioner and a minor child. Petitioner did not dispute the benefit group size of two.²

MDHHS factored RSDI of **\$REDACTED** in gross monthly RSDI benefits for Petitioner's child; Petitioner acknowledged the RSDI amount as correct. Generally, MDHHS counts the gross amount of RSDI in determining FAP eligibility.³ BEM 503 (October 2025) p. 31. Petitioner's countable income for FAP is **\$REDACTED**.

MDHHS uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554 (November 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. *Id.* Groups with an SDV member who 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. All medical expenses are subject to a \$35 copayment. *Id.* Groups with an SDV member also have an uncapped excess shelter expense. *Id.*

MDHHS did not factor any dependent care, child support, or medical expenses. Petitioner's testimony acknowledged having \$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 Petitioner's group's countable income (**\$REDACTED**) results in an adjusted gross income of **\$REDACTED**.

MDHHS factored \$0 housing expenses for Petitioner; Petitioner acknowledged having no housing expenses. MDHHS credited Petitioner with the standard heating/utility (h/u) credit of \$682. RFT 255 (October 2024) p. 1. Generally, the h/u credit covers all utility expenses and is the maximum credit available for non-internet utilities.⁴ Petitioner's shelter credits (housing + utilities) total \$682.

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

³ Exceptions to counting gross RSDI include the following: certain former SSI recipients (e.g., disabled-adult children, 503 individuals, and early widowers), retroactive RSDI benefits, Medicare premium refunds, fee deductions made by qualified organizations acting as payee, and "returned benefits" (see BAM 500). No exceptions were applicable to the present case.

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 excess shelter expense is calculated by subtracting half of Petitioner’s adjusted gross income from Petitioner’s total shelter obligation. Petitioner’s excess shelter amount is \$371 (rounding up to nearest dollar).

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 February 2026 is \$470: the same amount calculated by MDHHS. Thus, MDHHS properly determined Petitioner’s FAP eligibility for February 2026.

Concerning January 2026, MDHHS determined Petitioner to be eligible for \$303 in FAP benefits. Benefits are prorated for applications based on the application date and days in the application month (see BEM 554). Multiplying the non-prorated benefit amount of \$470 by the number of days in January 2026 starting with Petitioner’s application date (20) and dividing by the number of days in the month (31) results in a prorated benefit amount of \$303 (dropping cents): the same amount calculated by MDHHS. The evidence established that MDHHS properly calculated Petitioner’s FAP eligibility for January 2026.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly processed Petitioner’s application dated January 12, 2026, in determining Petitioner to be eligible for \$303 in FAP benefits for January 2026 and \$470 in FAP benefits beginning February 2026. Concerning Petitioner’s application dated January 12, 2026, the actions taken by MDHHS are **AFFIRMED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner’s FAP eligibility beginning December 2025. It is also found that MDHHS failed to process Petitioner’s FAP benefit application dated **REDACTED**, 2025. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reprocess Petitioner’s FAP eligibility beginning December 2025 subject to the finding that MDHHS improperly failed to make efforts in interviewing Petitioner;
 - (1) If necessary, register and process Petitioner’s FAP benefit application dated **REDACTED**, 2025; and
 - (2) Issue notice and supplements, if any, in accordance with policy.
- Concerning FAP benefits, the actions taken by MDHHS are **REVERSED**.

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.