
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 March 10, 2026. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Valerie Krause, Hearing Facilitator. Department Exhibit 1, pp. 1-23 was received and admitted.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (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. On December REDACTED, 2025, Petitioner submitted redetermination paperwork for her FAP benefits.
2. During the FAP redetermination process the Department discovered that Petitioner had not received LIHEAP benefit, home heating credit or SER in the previous 12 months.
3. On January REDACTED, 2026, a Notice of Case Action was sent to Petitioner informing her that her FAP benefits would be reduced to \$REDACTED effective February 1, 2026.
4. On February 5, 2026, Petitioner requested a hearing contesting the reduction of FAP benefits.
5. Petitioner receives \$REDACTED, REDACTED in unearned income per month

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.

MANDATORY HEAT AND UTILITY STANDARDS

The heat/utility (h/u) standard covers all heat and utility costs including cooling, except actual utility expenses, for example, installation fees etc.; see Actual Utilities in this item. Do not prorate the h/u standard even if the heating/cooling expense is shared. FAP groups that qualify for the h/u standard do not receive any other individual utility standards. Do not require verification, unless questionable of the other utility standards if the group is already eligible for the h/u standard. Note: FAP SDV groups whose heat is included in their rent may still qualify for the h/u standard. Some additional ways include, but are not limited to, receipt of the Home Heating Credit (HHC) or a Low-Income Home Energy Assistance Payment (LIHEAP). The amount of either payment must be greater than \$20 in the month of application or in the immediately preceding 12 months prior to the application month. BEM 554

In this case, On December REDACTED, 2025, Petitioner submitted redetermination paperwork for her FAP benefits. During the FAP redetermination process the Department discovered that Petitioner had not received LIHEAP benefit, home heating credit or SER in the previous 12 months. Heat and Utility standard expense was removed from Petitioner's FAP budget. BEM 554

On January REDACTED, 2026, a Notice of Case Action was sent to Petitioner informing her that her FAP benefits would be reduced to \$REDACTED effective February 1, 2026. With regard to the FAP budgeting, Petitioner had \$REDACTED in unearned income, after subtracting the standard deduction of \$209, Petitioner had \$REDACTED net income. An individual with \$REDACTED in net income is entitled to \$REDACTED per month in FAP benefit, this was the amount determined by the Department and it was proper and correct and consistent with Department policy.

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 acted in accordance with Department policy when it determined Petitioner's FAP benefit amount.

Accordingly, the Department's decision is **AFFIRMED**.

Aaron McClintic

**AARON MCCLINTIC
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.