

ISSUE

Did MDHHS properly close Petitioner's Food Assistance Program (FAP) case effective October 31, 2025?

Did MDHHS properly calculate Petitioner's FAP benefits for **REDACTED**, 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 two-person household consisting of himself and his wife.
2. Petitioner is over age **REDACTED**. (Exhibit A, p. 9)
3. In 2025, Petitioner received **\$REDACTED** in monthly Retirement Survivors and Disability Insurance (RSDI) benefits, **\$REDACTED** in monthly Supplemental Security Income (SSI), and quarterly payments State SSI Payments State SSI Payment (SSP) of **\$REDACTED**.
4. In connection with a FAP redetermination, MDHHS contacted Petitioner by telephone twice on October **REDACTED**, 2025 to conduct an interview, but the interview was not held. (Exhibit A, p. 12)
5. On October **REDACTED**, 2025, MDHHS sent Petitioner a Notice of Missed Appointment notifying him that he had missed his interview and if he did not reschedule the interview before October 31, 2025, his redetermination would be denied and his FAP case would close. (Exhibit A, p. 13)
6. On October 20, 2025, the AHR, on behalf of Petitioner, reached out to MDHHS to request a rescheduled interview. (Exhibit 1, p. 7) The interview was rescheduled to October 28, 2025, but no interview was held that day.
7. On October 29, 2025, the AHR reached out to MDHHS again concerning the interview. (Exhibit 1, p. 3) She was told that MDHHS would call Petitioner for an interview that same day, but no call was received.
8. On October 31, 2025, Petitioner's FAP case closed due to failure to complete the redetermination interview.
9. On **REDACTED**, Petitioner reapplied for FAP.
10. In connection with his FAP interview, Petitioner reported that his wife had left for Iraq on November 30, 2025.

11. On December 19, 2025, MDHHS sent Petitioner a Notice of Case Action notifying him that he was approved for \$73 in FAP for November 26 to 30, 2025; \$190 for December 2025; and \$178 monthly for January 2026 ongoing. (Exhibit A, pp. 15-23)
12. Effective January 2026, Petitioner became eligible for **\$REDACTED** in monthly RSDI benefits and **\$REDACTED** in monthly SSI. He continued to be eligible for quarterly SSP benefits of **\$REDACTED**.
13. On January 22, 2026, MDHHS received Petitioner's timely hearing request disputing his 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.

The AHR explained that Petitioner disputed the closure of his FAP case effective November 1, 2025 and the amount of FAP benefits he was approved for as of November 26, 2025 ongoing.

FAP Case Closure

MDHHS explained that Petitioner's FAP case closed effective October 31, 2025 because Petitioner had failed to complete an interview in connection with his FAP redetermination.

In connection with a FAP redetermination, an interview between the FAP recipient and MDHHS is required before denying the redetermination even if it is clear from the application or other sources that the group is ineligible. BAM 210 (February 2026), p. 5. The redetermination interview is scheduled only after MDHHS receives the redetermination packet and must be completed before ongoing eligibility can be determined. BAM 210, pp. 6, 14. The individual interviewed may be the client, the client's spouse, any other responsible member of the group or the client's authorized representative. BAM 210, p. 6. If the client misses the interview, MDHHS sends a DHS-254, Notice of Missed Interview, requiring the client to call to reschedule the interview. BAM 210, p. 6. If the client fails to participate in the scheduled interview by the end of the benefit certification period, the case closes at the end of the month. BAM 210, pp. 20, 22. If the client takes the required action within 30 days after the end of the benefit period, the redetermination application can be reregistered, but if the client is eligible, benefits are prorated from the date the process was completed. BAM 210, p. 22.

Here, MDHHS alleged that it called Petitioner twice on October 14, 2025, the scheduled interview date, and left a voicemail message after the second call. MDHHS subsequently sent Petitioner a Notice of Missed Interview, notifying him that he was now responsible for scheduling a redetermination interview before his case closed on October 31, 2025. The AHR explained that she had called back, but MDHHS would not proceed with the interview because it needed to speak to Petitioner and would need a translator present. The interview was rescheduled on October 28, 2025. The AHR testified that after no call was received from MDHHS on October 28, 2025, she called MDHHS through Michigan Connect on October 29, 2025 to explain that no call was received and was notified that MDHHS would be calling that day for the interview. Petitioner did not receive a call that day, and his FAP case closed on October 31, 2025.

Although MDHHS initially alleged that Petitioner had not called in to reschedule the interview, the worker then testified that case notes in Petitioner's file showed that MDHHS had called Petitioner on October 29, 2025 but there was no response. The AHR produced phone records supporting her testimony that calls were made to MDHHS on October 20 and 29, 2025. The log did not show an incoming call from MDHHS on October 28, 2025 and MDHHS did not provide the case notes supporting its testimony that calls were made on October 28, 2025. It should be added that the case notes regarding the October 28, 2025 calls were contrary to MDHHS's initial position that Petitioner had not made any attempt to contact MDHHS to reschedule his interview after October 14, 2025 and before the October 31, 2025 case closure. Because the AHR established that Petitioner had made multiple attempts to reschedule his redetermination interview before the October 31, 2025 case closure and MDHHS failed to support its position that it called Petitioner after October 14, 2025 to conduct the redetermination interview, MDHHS did not act in

accordance with policy when it closed Petitioner's FAP case effective October 31, 2025 due to Petitioner's failure to complete the redetermination process.

FAP Benefit Calculation

The AHR also disputed the FAP amount that MDHHS determined Petitioner was eligible to receive when the **REDACTED**, 2025 application was approved. Petitioner received FAP benefits of \$73 for November 26 to November 30, 2025; \$190 for December 2025; and \$178 for January 2026 ongoing. The budget included with the December 19, 2025 Notice of Case Action was reviewed in connection with the FAP benefit calculation. (Exhibit A, p. 17)

The amount of FAP benefits an eligible household may receive is based on the household size and net income. BEM 556 (November 2025), pp. 2, 5-7. A household's net income for FAP purposes is equal to the household's countable gross income reduced by allowable deductions. See BEM 556, pp. 5-8. In determining a client's countable gross income for FAP, MDHHS policy requires MDHHS to consider gross unearned income received by the members of the FAP group, including RSDI, SSI, and the monthly corresponding SSP benefit based on the quarterly benefit paid to SSI recipients. BEM 503 (October 2025), pp. 31, 36, 38. Here, in 2025, Petitioner received total monthly unearned income of **\$REDACTED** (**\$REDACTED** in RSDI, **\$REDACTED** in SSI and **\$REDACTED** from the quarterly **\$REDACTED** SSP). In 2026, this monthly total increased to **\$REDACTED** (**\$REDACTED** in RSDI, **\$REDACTED** in SSI and **\$REDACTED** from the quarterly SSP).

In determining FAP eligibility and amount, gross income is reduced by allowable deductions. Because Petitioner is over **REDACTED** years old, he is a senior/disabled/veteran (SDV) member of his FAP group. See BEM 550 (April 2025), pp. 1-2. FAP groups with one or more SDV members and unearned income are eligible for the following deductions to gross income in the FAP budget:

- the standard deduction (based on group size);
- childcare expenses;
- child support expenses;
- a medical expense deduction of \$165 if the SDV member incurs out-of-pocket medical expenses exceeding \$35 but less than \$200 or a deduction equal to verified out-of-pocket medical expenses minus \$35 if the SDV member incurs and verifies more than \$200 in monthly out-of-pocket medical expenses; and
- the excess shelter deduction.

BEM 554 (January 2026) p. 1; BEM 556, pp. 3-5.

In November 2025, Petitioner's wife lived with him, and therefore Petitioner's FAP group had two members. BEM 212 (June 2025), p. 1. FAP groups with up to three members are eligible for a \$209 standard deduction to gross income, as shown on the budget. RFT 255 (October 2025), p. 1. Petitioner had no childcare or child support expenses. Although the AHR alleged that Petitioner had out-of-pocket medical expenses, MDHHS testified that

none were reported in the application. Therefore, the budget properly did not include any deductions for those expenses. The AHR is advised that Petitioner can report and verify medical expenses exceeding \$35 monthly to be applied towards future FAP budgets.

Based on Petitioner's available deductions excluding the excess shelter deduction, Petitioner had an adjusted gross income (AGI) for November 2025 of **\$REDACTED**, which is his gross income of **\$REDACTED** reduced by the \$209 standard deduction. BEM 556, p. 4.

The final deduction applicable to the calculation of Petitioner's net income for FAP purposes, the excess shelter deduction, first considers the total of Petitioner's monthly housing expense and the utility standards applicable to Petitioner's case based on the utilities his group is obligated to pay. This sum is reduced by 50% of his AGI (or **\$REDACTED** in this case) to arrive at his excess shelter deduction. BEM 556, pp. 4-5; BEM 554, pp. 13-24.

MDHHS testified that Petitioner paid \$1,300 in annual property taxes and \$40 monthly for homeowners' insurance, which the AHR did not dispute. Petitioner's monthly shelter expenses total \$148.33 (\$108.33 for monthly taxes plus the \$40 monthly homeowners' insurance). Because Petitioner owns the home in which he resides, he is responsible for heating and cooling expenses and is eligible for the \$682 heat and utility (h/u) standard, which is the amount provided in policy to cover all heat and utility costs and is the maximum total utility and most beneficial standard available to a client. See BEM 554, pp. 16-21; RFT 255, p. 1. Petitioner's housing expenses total \$830.33 (the sum of \$148.33 and \$682). Petitioner's excess shelter deduction is \$434.33, his total housing expense of \$830.33 less 50% of his AGI (or **\$REDACTED**).

Petitioner's net income is **\$REDACTED**, the difference between his AGI of **\$REDACTED** and the \$434.33 excess shelter deduction. Based on net income of **\$REDACTED** and a FAP group size of two in November 2025, Petitioner was eligible for monthly FAP benefits totaling \$438. RFT 260 (October 2025), p. 6. MDHHS prorates benefits for the month of application, beginning with the date of application, when the group is eligible for the application month. BAM 115 (October 2025), p. 26. Based on the five days between the **REDACTED**, 2025 application date and the end of the month, the prorated FAP benefits Petitioner and his wife were eligible to receive for November 2025 were \$73, consistent with MDHHS's calculation. Therefore, MDHHS acted in accordance with policy when it calculated Petitioner's FAP benefits for November 2025.

At his application interview on December 8, 2025, Petitioner reported that his wife had left for Iraq on November 30, 2025. Individuals who are temporarily absent from the group are considered living with the group. BEM 212, p. 3. A person's absence is temporary if (i) the person's location is known, (ii) the person lived with the group before the absence, (iii) there is a definite plan for return, and (iv) the absence has lasted or is expected to last 30 days or less. BEM 212, p. 3.

Here, the AHR conceded that, as of the March 2, 2026, hearing date, Petitioner's wife had not yet returned to the country and was not living with Petitioner. Because Petitioner's wife had not lived with Petitioner for more than 30 days and continued to not live with him as of the hearing date, MDHHS properly reduced Petitioner's FAP group size to one starting December 1, 2025. A one-person FAP group with net income of **\$REDACTED** is eligible for monthly FAP totaling \$190. RFT 260, p. 6. Therefore, MDHHS properly calculated Petitioner's FAP amount for December 2025.

Starting in January 2026, Petitioner's FAP benefits were reduced to \$178 monthly. Petitioner's monthly unearned income increased to **\$REDACTED** in 2026. When the FAP budget described above is recalculated to reflect the gross income increase from **\$REDACTED** to **\$REDACTED**, Petitioner's net income is **\$REDACTED**. Based on a one-person FAP group and net income of **\$REDACTED**, Petitioner was eligible for \$178 in monthly FAP for January 2025 ongoing. Therefore, MDHHS properly calculated Petitioner's FAP benefits for January 2026 ongoing.

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 MDHHS acted in accordance with Department policy when it determined his FAP benefit amount for **REDACTED**, 2025 ongoing but did not act in accordance with Department policy when it closed Petitioner's FAP case effective October 31, 2025.

Accordingly, the MDHHS's FAP decision is **REVERSED with respect to the case closure and loss of benefits from November 1 to 25, 2025.**

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. Redetermine Petitioner's FAP eligibility for November 1, 2025 through November 25, 2025 based on his circumstances at that time;
2. If eligible, issue FAP benefits to Petitioner for FAP he was eligible to receive between November 1 to 25, 2025; and
3. Notify Petitioner in writing of its decision.