



**Date Mailed:** March 4, 2026

**Docket No.:** 26-004263

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [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 March 2, 2026. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Ronetta Dalton, Eligibility Specialist.

### **ISSUE**

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

### **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 November [REDACTED] 2025, the Department received Petitioner's FAP redetermination. Petitioner reported working for [REDACTED] (Employer) and paying \$500.00-700.00 every two weeks for dependent care. Exhibit A, pp. 7-14.
2. Petitioner is 29 years old.
3. Petitioner has four minor children in her household.
4. On December [REDACTED] 2025, the FAP interview was completed. During the FAP interview, Petitioner reported she did not work the week of December 12 to December 19, 2025. Exhibit A, p. 19.
5. On January [REDACTED] 2026, the Department sent Petitioner a Notice of Case Action (NOCA) that informed Petitioner her FAP benefits were approved for \$[REDACTED] per month for a group of five effective January 1, 2026 ongoing. Exhibit A, pp. 32-38.
6. On February 5, 2026, the Department received Petitioner's request for hearing that disputed her FAP monthly benefit. Exhibit A, pp. 3-5.

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## CONCLUSIONS OF LAW

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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.

In this case, Petitioner disputed the Department's determination of her monthly FAP benefit amount.

The Department must consider a FAP group's countable income to determine the FAP benefit rate. BEM 500 (January 2026), pp. 1-5. The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Prospective income is income not yet received but expected. BEM 505 (June 2025), p. 1. For the purposes of FAP, the Department must convert income that is received more often than monthly into a standard monthly amount. BEM 505, pp. 8-9. To standardize income received weekly, the Department multiplies the average weekly income by 4.3. BEM 505, p. 9. To standardize income received biweekly, the Department multiplies the average by 2.15. *Id.*

The Department uses income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. BEM 505, p. 6. For fluctuating or irregular income, the Department is required to use the past 60 or 90 days if the past 30 days is not a good indicator of future income and the fluctuations in income during the past 60 or 90 days appear to accurately reflect the income that is expected to be received in the benefit month. *Id.* The 60 or 90-day period can begin up to 60 or 90 days before the date the information was requested. *Id.*, p. 7. Fluctuating income is defined as income that is received on a regular schedule but that varies from check to check. *Id.*, p. 2. If there is a change in expected hours, but no change in the rate of pay, the Department is to use the expected hours times the rate of pay to determine the amount to budget per pay period. *Id.*, p. 7. Department policy further provides that it should seek input from clients whenever possible when prospecting income. *Id.*, p.1.

Here, the Department testified that Petitioner's countable income was based on her income from Employer and that it relied on the November 21 and December 5, 2025 paystubs listed on the employment verification report. Exhibit A, p. 26. The paystubs showed that Petitioner was paid biweekly and received \$[REDACTED] gross income for

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November 21, 2025 and \$██████ gross income for December 5, 2025. The Department testified that Petitioner's gross monthly income was \$██████ Petitioner testified her hours fluctuated and that the two paychecks did not accurately reflect her regular ongoing pay. The employment verification report supported Petitioner's testimony and showed that Petitioner's biweekly hours varied and, over the last 90 days, were at a low of 63 hours and a high of 106 hours. Exhibit A, p. 26. The evidence presented showed that Petitioner has fluctuating income. Because the Department based Petitioner's income calculation on two paychecks, rather than considering her fluctuating pay, the Department has not shown that it properly calculated Petitioner's monthly income used to determine her monthly FAP benefit.

After consideration of income, the Department considers all appropriate deductions and expenses. Petitioner is eligible for the following deductions to income:

- Earned income deduction.
- Standard deduction based on group size.
- Dependent care expense.
- Court ordered child support and arrearages paid to non-household members.
- Excess shelter deduction.

BEM 550 (April 2025), pp. 1; BEM 554 (February 2026), p. 1; BEM 556 (November 2025), p.1.

Here, Petitioner disputed that the Department did not allow her a medical expense deduction. The Department considers only the medical expenses of senior/disabled/disabled veteran (SDV) individuals in the eligible group or SDV individuals disqualified for certain reasons. BEM 554 (February 2026), p. 9. A senior is a person who is 60 years of age or older. BPG (June 2024), p. 64. For purposes of FAP, a person is disabled if they are receiving one of the following: a federal, state or local public disability retirement pension and the disability is considered permanent under the Social Security Act; Medicaid based on being blind or disabled; or Railroad Retirement and is eligible for Medicare or meets the Social Security disability criteria. BPG, p. 19. Petitioner is 29 years old, and no evidence was presented that Petitioner was disabled. Because Petitioner is not an SDV, the Department properly did not consider her medical expenses.

Petitioner also disputed the Department's provision of a \$500.00 dependent care deduction. The Department allows an unreimbursed dependent care expense for a child under the age of 18 or an adult of any age who is incapacitated and a member of the FAP group, when such care is necessary to enable a member of the FAP group to work. BEM 554, p. 8. This is the amount the FAP group actually pays out-of-pocket. *Id.* The Department must verify dependent care expenses at application and redetermination. BEM 554, p. 8. Petitioner's redetermination reported that she was paying \$500.00 to \$700.00 every two weeks out of pocket for dependent care. Petitioner testified that she was paying for childcare and was not getting Child Development and Care (CDC) benefits. The Department testified that it allowed a dependent care expense of \$500.00 based on Petitioner's monthly CDC copay of \$125.00 per child, multiplied by four

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children. Upon review, the Department acknowledged that CDC had not issued a payment to Petitioner's provider since February 2025 and that it should have requested updated verification of dependent care expenses reported on the redetermination. The Department did not act in accordance with Department policy when it did not request verification of Petitioner's dependent care expenses.

Based on the foregoing, the Department did not act in accordance with Department policy when it determined Petitioner's monthly income and dependent care expense deduction. Thus, the Department did not establish that it properly determined Petitioner's eligibility for FAP benefits.

### **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 did not act in accordance with Department policy when it determined Petitioner's eligibility for FAP benefits.

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

THE DEPARTMENT 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 eligibility for FAP benefits for January 1, 2026 ongoing, in accordance with policy;
2. If Petitioner is eligible for additional FAP benefits, supplement Petitioner for FAP benefits she was eligible to receive for January 1, 2026 ongoing; and
3. Notify Petitioner of its decision in writing.



**JULIA NORTON**  
**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](https://courts.michigan.gov). The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available

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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.

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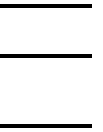
Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation 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](mailto: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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