

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. It was previously reported that Petitioner pays \$300.00 a month in rent and a separate \$50.00 toward the heat and electric bill. (Exhibit A, p. 1).
2. On December 16, 2025, a Redetermination was submitted on Petitioner's behalf. No changes with shelter expenses were reported. Petitioner's father is the authorized representative for Petitioner's FAP benefit case. (Exhibit A, pp. 7-11)
3. On January 13, 2026, an interview was completed with Petitioner's father for the redetermination. The worker understood that Petitioner pays \$350.00 in rent, which includes all utilities. (Exhibit A, pp. 12-20)
4. The Department increased the rent expense and removed the heat/utility standard expense from Petitioner's FAP budget, resulting in a decrease in Petitioner's FAP benefits. (Exhibit A, p. 20)
5. On February 4, 2026, a Notice of Case Action was issued to Petitioner stating he was approved for FAP benefits in the amount of \$58.00 per month effective February 1, 2026. (Exhibit A, pp. 21-28)
6. On February 6, 2026, Petitioner filed a hearing request contesting the FAP determination. (Exhibit A, pp. 3-5)
7. During the prehearing conference, it was determined that there must have been a miscommunication during the interview and Petitioner's shelter expenses were changed back to the previously reported \$300.00 a month in rent and a separate \$50.00 toward the heat and electric bill. (Exhibit A, p. 1)
8. The Department changed the rent expense back to \$300.00 per month and added the heat/utility standard back into Petitioner's FAP budget effective March 1, 2026, resulting in an increase in Petitioner's FAP benefits. (Exhibit A, pp. 1 and 29)

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.

For FAP, a shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. BEM 554, (February 1, 2026), p. 15. The heat/utility (h/u) standard covers all heat and utility costs including cooling, except actual utility expenses, for example, installation fees etc. FAP groups that qualify for the h/u standard do not receive any other individual utility standards. 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, pp. 19-20. FAP groups who pay for cooling (including room air conditioners) are eligible for the h/u standard if, they have the responsibility to pay for non-heat electric. BEM 554 pp. 21-22. FAP groups not eligible for the h/u standard who have other utility expenses or contribute to the cost of other utility expenses are eligible for the individual utility standards. Use the individual standard for each utility the FAP group has responsibility to pay. BEM 554 p. 27.

In this case, it was previously reported that Petitioner pays \$300.00 a month in rent and a separate \$50.00 toward the heat and electric bill. (Exhibit A, p. 1).

On December 16, 2025, a Redetermination was submitted on Petitioner's behalf. No changes with shelter expenses were reported. Petitioner's father is the authorized representative for Petitioner's FAP benefit case. (Exhibit A, pp. 7-11).

On January 13, 2026, an interview was completed with Petitioner's father for the redetermination. The worker understood that Petitioner pays \$350.00 in rent, which includes all utilities. (Exhibit A, pp. 12-20). Accordingly, the Department increased the rent expense and removed the heat/utility standard expense from Petitioner's FAP budget, resulting in a decrease in Petitioner's FAP benefits. (Exhibit A, p. 20). On February 4, 2026, a Notice of Case Action was issued to Petitioner stating he was approved for FAP benefits in the amount of \$58.00 per month effective February 1, 2026. (Exhibit A, pp. 21-28).

Petitioner's father testified that he did not report that Petitioner pays \$350.00 in rent and utilities were included. (Father Testimony).

During the prehearing conference, it was determined that there must have been a miscommunication during the interview and Petitioner's shelter expenses were changed back to the previously reported \$300.00 a month in rent and a separate \$50.00 toward

the heat and electric bill. (Exhibit A, p. 1). The Department changed the rent expense back to \$300.00 per month and added the heat/utility standard back into Petitioner's FAP budget effective March 1, 2026, resulting in an increase in Petitioner's FAP benefits. (Exhibit A, pp. 1 and 29).

However, the change should have been made as of the February 2026 FAP budget. No changes with shelter expenses were reported on the December 16, 2025 Redetermination and it was acknowledged that there was a miscommunication during the January 13, 2026 interview.

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 failed to satisfy its burden of showing that it acted 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 for February 2026 in accordance with Department policy, which would include the FAP budget reflecting a rent expense of \$300.00 and a separate \$50.00 toward the heat and electric bill.