

ISSUE

Did the Department properly determine Petitioner's 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. Petitioner is a FAP benefit recipient.
2. Petitioner is a disabled individual.
3. Petitioner has a group size of one.
4. Petitioner pays \$229.00 per month for rent, and Petitioner is responsible for paying her electric cooling costs separate from her rent.
5. Petitioner receives REDACTED per month from Social Security RSDI.
6. In January 2026, the Department redetermined Petitioner's FAP eligibility. The Department determined that Petitioner did not receive a LIHEAP payment in July, so the Department determined that Petitioner no longer qualified for the heat/utility standard. The Department determined that Petitioner was eligible for a maximum FAP benefit amount of \$74.00 per month based on the following:
 - a. REDACTED per month in unearned income
 - b. \$209.00 per month for a standard deduction
 - c. \$229.00 per month for a housing expense
 - d. \$181.00 per month for a non-heat electricity standard
 - e. \$31.00 per month for a telephone standard
7. On January 27, 2026, the Department issued a notice of case action to notify Petitioner that her FAP benefit amount was going to decrease to \$74.00 per month, effective March 1, 2026.
8. Petitioner requested a hearing to dispute her FAP benefit amount.

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) 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 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, the Department determined that Petitioner was eligible for a maximum FAP benefit of \$74.00 per month, effective March 1, 2026. Petitioner is disputing her FAP benefit amount. Thus, the issue is whether the Department properly determined Petitioner's FAP benefit amount.

The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income and then looking that information up in its applicable Food Issuance Table. BEM 212 (June 1, 2025), BEM 213 (October 1, 2024), BEM 550 (April 1, 2025), BEM 554 (January 1, 2026), BEM 556 (November 1, 2025), RFT 255 (October 1, 2025), and RFT 260 (October 1, 2025).

The Department determined that Petitioner no longer qualified for the heat/utility standard. The heat/utility standard covers all utility costs. BEM 554 at 19. When a client qualifies for the heat/utility standard, the client cannot receive any other separate utility standards because the heat/utility standard covers all utility costs. *Id.* In general, a client is eligible for the heat/utility standard if the client is responsible for paying for heating costs separate from rent. *Id.* at 19-20. A client who is not responsible for paying for heating costs separate from rent qualifies for the heat/utility standard in some circumstances. One such circumstance is when a client is responsible for paying for cooling costs separate from rent. *Id.* at 20-21. Petitioner was not responsible for paying for heating costs separate from rent, but Petitioner was responsible for paying for cooling costs separate from rent, so Petitioner qualified for the heat/utility standard. Therefore, the Department did not properly apply BEM 554 when it determined that Petitioner did not qualify for the heat/utility standard.

Based on Petitioner's gross unearned income of REDACTED per month, Petitioner's housing cost of \$229.00 per month, and Petitioner's obligation to pay her cooling utilities, Petitioner's net income was REDACTED per month. Based on Petitioner's net income of REDACTED and Petitioner's group size of one, the maximum FAP benefit amount that Petitioner was eligible for was \$215.00 per month. Accordingly, the Department did not properly determine Petitioner's FAP benefit amount when the Department determined that Petitioner was eligible for a maximum FAP benefit of \$74.00 per month.

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 its policies and the applicable law when it determined Petitioner's FAP benefit amount.

IT IS ORDERED that the Department's decision is **REVERSED**. The Department must approve Petitioner for a FAP benefit amount of \$215.00 per month, effective March 1, 2026. The Department must begin to implement this order within 10 days of the mailing date of this hearing decision.