
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 30, 2026. Petitioner appeared and was unrepresented. Kareem Alghalibi appeared as Arabic interpreter for Petitioner. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Tabatha McFarland, 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 December REDACTED, 2025, the Department received Petitioner's FAP redetermination.
2. Petitioner is REDACTED years old.
3. Petitioner is married to Spouse. Spouse's date of birth is 1971.
4. Neither Petitioner nor Spouse are disabled.
5. Petitioner reported weekly gross income from REDACTED (Employer) of \$REDACTED and monthly donation income of REDACTED
6. On January REDACTED, 2026, the Department and Petitioner completed the FAP interview.
7. Petitioner reported a monthly mortgage of \$2,000.00, \$600.00 annual property taxes (\$50.00 monthly) and \$1,300.00 (\$108.33 monthly) annual homeowner's insurance.
8. Petitioner pays for his heat, electric, water, telephone and internet.
9. On January REDACTED, 2026, the Department sent Petitioner a Notice of Case Action (NOCA) that informed him that he was approved for FAP benefits of \$REDACTED monthly for a group of two effective February 1, 2026 to January 31, 2027. Exhibit A, pp. 7-14.
10. On February 10, 2026, the Department received Petitioner's request for hearing that disputed FAP and State Emergency Relief (SER). Exhibit A, pp. 3-4.

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).

Petitioner's request for hearing disputed both FAP and SER assistance. At the commencement of the hearing, the Department testified that Petitioner did not apply for SER assistance. Petitioner acknowledged that he did not apply for SER assistance.

A hearing can be granted for actions affecting benefits or services. Administrative hearing jurisdiction is limited to the following: denial of an application or supplemental payment; reduction in benefits or services; suspension or termination of benefits or services; restrictions under which benefits or services are provided; delays in action beyond the standards of promptness; a denial of expedited service or the current level of benefits (FAP and CDC only). BAM 600 (June 2024), p. 5.

Because Petitioner did not apply for SER assistance, there was no negative action regarding SER assistance and thus there is no hearable issue for the Administrative Law Judge to decide. Petitioner's hearing request regarding SER is DISMISSED for lack of jurisdiction.

FAP

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 his \$REDACTED monthly FAP benefit.

To determine whether the Department properly calculated Petitioner's eligibility for FAP benefits, the evaluation first starts with consideration of all countable earned and unearned income available to the group. BEM 500 (April 2022), 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 (October 2023), p. 1. A standard monthly amount must be determined for each income source used in the budget. BEM 505, pp. 8-9. The standardized income is determined by averaging the income received and multiplying it by 4.3 for amounts

received weekly, multiplying it by 2.15 for amounts received every two weeks, and adding amounts received twice a month. *Id.*

Here, the Department presented a FAP budget effective February 1, 2026 and explained Petitioner's earned income was budgeted at \$REDACTED per month. Exhibit A, p. 15. The Department testified this amount was based on the gross weekly paychecks from Employer of \$REDACTED. Because Petitioner was paid weekly, the Department standardized the weekly income by multiplying it by 4.3 which equals \$REDACTED per month. Petitioner did not dispute the gross income from Employer. The Department also included unearned donation income of \$REDACTED received monthly from Petitioner's son. This amount was not disputed. The Department counts a donation to an individual by family or friends as the individual's unearned income. BEM 503 (October 2025), p. 11. The sum of Petitioner's monthly earned and unearned income is REDACTED.

After consideration of income, the Department considers all appropriate deductions and expenses. Petitioner, who is not a senior, disabled or disabled veteran (SDV) 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 (February 2024), pp. 1; BEM 554 (February 2024), p. 1; BEM 556 (March 2024), p.1.

Petitioner is employed and has earned income. The Department reduces the gross countable earned income by 20 percent, known as the earned income deduction. BEM 550 (October 2024), p. 1. The Department properly allowed the earned income deduction in Petitioner's FAP budget of \$REDACTED. The Department properly budgeted the standard deduction of \$209.00 based on Petitioner's two-person FAP group size. RFT 255 (October 2025). Petitioner does not have dependent care expenses or court-ordered child support paid to non-household members and therefore the budget properly showed no deductions for these items. Petitioner's Adjusted Gross Income (AGI), calculated by subtracting the foregoing applicable deductions of \$439.00 and \$209.00 from the gross income of \$REDACTED \$REDACTED. Exhibit A, p. 18.

Once the AGI is calculated, the Department must then consider the excess shelter deduction. BEM 554, p. 1; 7 CFR 273.9(d)(6). The excess shelter deduction is calculated by adding Petitioner's housing costs to any of the applicable utility standard deductions and reducing this expense by half of Petitioner's AGI. BEM 556, pp. 5-8; 7 CFR 273.9(d)(6)(ii).

Here, the Department budgeted \$REDACTED for Petitioner's monthly housing cost based on his reported mortgage obligation of \$2,000.00 per month, \$50.00 property tax per month and \$108.33 homeowner's insurance per month. These amounts were not disputed. Petitioner also reported he was responsible for utilities including gas heat,

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electric, water, phone and internet utilities. The heat and utility standard deduction (H/U) of \$682.00 covers all heat and utility costs including cooling except actual utility expenses (repairs or maintenance) and is the most beneficial utility standard available to a client. BEM 554, pp. 16-17. Petitioner's total housing expense is \$2,840.33, the sum of his monthly shelter expenses and H/U standard deduction. This reduced by 50% of Petitioner's AGI (\$REDACTED) is \$REDACTED. However, the maximum excess shelter deduction permitted for non-SDV clients is \$744.00. The Department properly allowed an excess shelter deduction of \$744.00. BEM 556, pp. 5-6; RFT 255 (October 2025), p.1.

To determine Petitioner's net income, Petitioner's excess shelter deduction of \$744.00 is subtracted from his REDACTED AGI to equal his net income of \$REDACTED. Petitioner's net income is compared against the Food Assistance Issuance Tables found in RFT 260 for a monthly FAP benefit rate of \$REDACTED for a group size of two. BEM 556, p. 6; RFT 260 (October 2025), p. 21. Therefore, the Department properly calculated Petitioner's FAP benefit rate.

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 eligibility for FAP benefits.

Accordingly, Petitioner's hearing request regarding **SER** is **DISMISSED** for lack of jurisdiction.

The Department's decision regarding **FAP** is **AFFIRMED**.



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. 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.

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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, **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.

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