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SENT VIA EMAIL

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Re: Michigan's Concerning Use of AI to Assess SNAP Applications (includes FOIA request)

I. MDHHS's Use of AI to Decide SNAP Cases Raises Significant Civil Rights Concerns.

As of July 2025, over 1.4 million Michiganders participated in the Supplemental Nutritional Assistance Program ("SNAP").¹ These benefits are essential to the economic wellbeing of hundreds of thousands of Michigan children and their families. Public reporting has recently suggested that the Michigan Department of Health and Human Services ("MDHHS") has begun using artificial intelligence ("AI") to review SNAP cases. There has been little public discussion of the decision to review these essential benefits applications using AI tools. The seemingly sudden decision to do so raises significant concerns about how this tool will affect the rights of some of the most economically vulnerable Michigander's. **Please note that this letter includes a FOIA request for documents to provide more sunshine on the opaque decision to adopt this technology.**

In March of 2026, Chief Operating Officer, David Knezek, reportedly told the Senate Appropriations Subcommittee on DHHS that the department had deployed an "AI case reading tool" that will allow the department to "scan every single case in a perfect environment" and to target cases that are "most likely for fraud."² MDHHS later stated that the system runs on Google Vertex AI and that applicants are informed that their information may be verified through "data

¹ Rebekah Sager, *Experts: AI Could Affect SNAP Benefits in Michigan*, Big News Network (Apr. 8, 2026), <https://www.bignewsnetwork.com/news/278970347/experts-ai-could-affect-snap-benefits-in-michigan> [<https://perma.cc/W6FV-2HL4>]

² Kyle Davidson, *Michigan's Use of AI to Process SNAP Applications Draws Concerns About Past Automation Failures*, Mich. Advance (Mar. 26, 2026), <https://michiganadvance.com/2026/03/26/michigans-health-and-human-services-department-deploys-ai-to-process-snap-applications/>

matching and review processes” as part of their eligibility determination.³ In other words, it appears that AI is now playing some significant role—although how significant remains murky—in decisions about who gets, keeps, or loses benefits.

This shift to deploying AI to assess eligibility and fraud for SNAP applications raises many questions. The last time Michigan trusted technology to make decisions about applications for public benefits and make fraud assessments, the Michigan Integrated Data System (“MiDAS”) wrongfully accused approximately 40,000 people of unemployment fraud which resulted in thousands of wrongful denials. This was widely reported to have led to suicides, bankruptcies, the destruction of the household economics of countless Michigan families, and tens of millions of dollars in legal liability for the State because of the technology’s flagrant misuse.⁴ Michigan cannot afford to repeat that disaster, and the most vulnerable Michiganders cannot afford to be subjected to such a disaster—especially with respect to food assistance that families depend on to survive.

II. There are Major Concerns About Whether the AI Tool Will Accurately and Fairly Adjudicate Benefit Applications.

MDHHS officials appear to have acknowledged that this shift to using AI case reading tools was incentivized by the so-called One Beautiful Big Bill Act (“OBBBA”).⁵ Under OBBBA, states with SNAP payment error rates over 6 percent will be required to pay a portion of those benefits, which have historically been covered by the federal government.⁶ However, wrongly *rejecting* an applicant does not count as an error under the OBBBA.⁷ This means that the OBBBA penalizes erroneous *grants* of benefits but not erroneous denials—creating an incentive to err on the side of denials.⁸ This is especially concerning because most “payment errors” are not true instances of “fraud.” Michele Gilman, professor of law at the University of Baltimore School of

³ *Id.*

⁴ Gretchen Carr, *Case Over the Michigan Unemployment Insurance Agency's Faulty Automated System Finally Settled* (Univ. of Mich. Ford Sch. Pub. Pol’y, Sci., Tech. & Pub. Pol’y Program, Aug. 2024), <https://stpp.fordschool.umich.edu/sites/stpp/files/2024-08/stpp-midas-explainer.pdf> [<https://perma.cc/4B2K-S9NA>].

⁵ Kyle Davidson, *Michigan's Use of AI to Process SNAP Applications Draws Concerns About Past Automation Failures*, Mich. Advance (Mar. 26, 2026), <https://michiganadvance.com/2026/03/26/michigans-health-and-human-services-department-deploys-ai-to-process-snap-applications/>

⁶ Lauren Bauer & Diane Whitmore Schanzenbach, *SNAP Cuts in the One Big Beautiful Bill Act Will Significantly Impair Recession Response*, Brookings (Oct. 8, 2025), <https://www.brookings.edu/articles/snap-cuts-in-the-one-big-beautiful-bill-act-will-significantly-impair-recession-response/> [<https://perma.cc/C6CY-ADLB>].

⁷ *Id.*

⁸ Jacob Ward, *Michigan's AI System is an Experiment on the Poor — and the Feds are Making it National, Hard Reset* (Apr. 8, 2026), <https://www.hardresetmedia.com/p/michigans-ai-system-is-an-experiment> [<https://perma.cc/6D8J-BHHN>].

Law, has explained that overpayments are typically innocent mistakes by caseworkers and claimants—not attempts to claim benefits that someone is not entitled to.⁹

It is a well-established fact that AI systems can reflect and amplify the biases of their designers, often leading to grave outcomes.¹⁰ The use of any AI system that is undergirded by such incentives generates a swath of constitutional concerns. Furthermore, generative AI is susceptible to implicit racial or economic bias that can lead to greater inequality and increased marginalization.¹¹ The Food Research & Action Center has recognized that these issues can apply to using AI with respect to assessing benefit applications by presenting a heightened risk of benefit denials in complex cases or where the applicant has lower levels of education or limited English proficiency.¹² Michiganders have a right to know much more about how systems like these operate before they are used to contribute to essential benefit calculations.

III. Michigan Owed Federal Regulators Answers *Before* Launching This Tool.

The Food and Nutrition Service (“FNS”), the USDA federal agency that oversees SNAP, requires caution before implementing AI tools to help determine benefits.¹³ AI tools that rely on machine learning and are used to assess SNAP benefits are subject to review and approval by the FNS, *before* they are implemented.¹⁴ Further, the FNS requires State agencies to explain how the technology will affect program access, staff duties, system security, and privacy.¹⁵ The request

⁹ Rebekah Sager, *Experts Warn Use of AI to Vet Michigan SNAP Applications Can Lead to False Fraud Claims*, Mich. Independent (Mar. 30, 2026), <https://michiganindependent.com/economy/snap-food-benefits-ai-fraud-payments-lawsuits/> [<https://perma.cc/N5ZH-DR5R>]

¹⁰ NIST, *There's More to AI Bias Than Biased Data*, NIST Report Highlights (Mar. 16, 2022), <https://www.nist.gov/news-events/news/2022/03/theres-more-ai-bias-biased-data-nist-report-highlights>; see generally Brian Christian, *The Alignment Problem: Machine Learning and Human Values* (2020).

¹¹ See Olga Akselrod, *How Artificial Intelligence Can Deepen Racial and Economic Inequities*, ACLU (July 13, 2021), <https://www.aclu.org/news/privacy-technology/how-artificial-intelligence-can-deepen-racial-and-economic-inequities> [<https://perma.cc/3YXH-SQHZ>]. ACLU, *Accountability in Artificial Intelligence*, <https://www.aclu.org/issues/racial-justice/accountability-in-artificial-intelligence> [<https://perma.cc/G46H-M9S2>] (last visited July 9, 2026); ACLU of N.J., *Automated Injustice: Algorithms & Biased Decision-Making*, <https://www.aclu-nj.org/campaigns-initiatives/automated-injustice-algorithms-biased-decision-making/> [<https://perma.cc/39CL-H6Q4>] (last updated Aug. 6, 2025); Marissa Gerchick et al., *How Policy Hidden in an Algorithm is Threatening Families in This Pennsylvania County*, ACLU (Mar. 14, 2023), <https://www.aclu.org/news/womens-rights/how-policy-hidden-in-an-algorithm-is-threatening-families-in-this-pennsylvania-county> [<https://perma.cc/RZ9V-8MWT>]; Shreya Ghimire, *Algorithmic Inequality: How Automated Systems Are Denying People Rights*, Frost & Sullivan Inst. (July 7, 2026), <https://frostandullivaninstitute.org/algorithmic-inequality-how-automated-systems-are-denying-people-rights/> [<https://perma.cc/V34M-A4VT>]; and Rishi Bommasani et al., *Algorithmic Monocultures in Hiring*, (May 26, 2026), <https://arxiv.org/pdf/2605.27371> [<https://perma.cc/EJQ6-BPG9>].

¹² Food Rsch. & Action Ctr., *What Does Artificial Intelligence (AI) Mean for SNAP?* 3 (Dec. 2024), <https://frac.org/wp-content/uploads/What-Does-Artificial-Intelligence-Mean-for-SNAP.pdf> [<https://perma.cc/3ZQ6-DHFU>]

¹³ U.S. Dep't of Agric., Food & Nutrition Serv., Memorandum: Supplemental Nutrition Assistance Program — Use of Advanced Automation in SNAP (Feb. 24, 2025), <https://www.usda.gov/sites/default/files/guidance-documents/fns.snap-automation-revised-022425.pdf>.

¹⁴ *Id.* at 3-4.

¹⁵ *Id.* at 4.

must also summarize the procedures for auditing the technology's individual actions for an appeal and procedures that will be used to monitor the accuracy of the technology.¹⁶ The public has a right to know whether this application process was followed, and if so, what information MDHHS provided to the federal government in support of its request to use AI when adjudicating or reviewing applications.

For all these reasons, the ACLU of Michigan officially requests the following public records pursuant to Michigan's Freedom of Information Act ("FOIA"), MCL 15.231 *et seq.*

1. All documents issued or received by MDHHS as a part of the procurement process for the AI tool(s) including:
 - a. Any requests for proposal (or similar solicitation) issued by MDHHS;
 - b. Any bids or proposals submitted to MDHHS in response; and
 - c. Any test results or validations that MDHHS required of the potential AI tool(s).
2. All documents MDHHS submitted to the USDA Food and Nutrition Service (FNS) for review or approval of the AI tools *prior* to implementation, as required under the FNS guidance "Use of Advanced Automation in SNAP,"¹⁷ and any responsive communications or other records received from the USDA. This request includes, but is not limited to, any portion of such submission describing:
 - a. How the AI tool(s) is anticipated to affect program access;
 - b. How it affects the duties of MDHHS employees reviewing SNAP applications;
 - c. The system(s)/tool(s) security;
 - d. The procedures used to audit individual actions taken by the technology in support of an appeal; and
 - e. The procedures used to monitor individual actions taken by the AI tool's ongoing accuracy and equity.
3. To the extent that MDHHS did not submit the AI tool(s) to the FNS for review or approval, all memoranda, internal correspondence (including electronic correspondence), or other documents discussing that decision, the reasoning for it, or any determination that FNS approval was not required.
4. Any contracts or licensing agreements between MDHHS and any corporation or other entity (including Google) for the purchase, licensing, development, or maintenance of the AI tool(s).
5. Any memoranda, guidelines, internal correspondence (including electronic correspondence), or other documents describing the criteria or reasoning that the AI tool(s) uses to flag, score, review or target benefit applications.

¹⁶ *Id.*

¹⁷ *Id.*

6. Any memoranda, guidelines, internal correspondence (including electronic correspondence), or other documents describing, discussing, or analyzing instances in which the AI tool(s) produced inaccurate, false, fabricated, or unreliable outputs.
7. Any documents addressing the AI tool(s) accuracy or error rates for benefit applications involving applicants with limited English proficiency, non-standard or incomplete documentation, or any other factors that increase the difficulty of a SNAP eligibility determination.
8. Any memoranda, guidelines, policies, reports, internal correspondence (including electronic correspondence), or other documents discussing or analyzing the risks, benefits, or legal or constitutional implications of adopting AI to review SNAP cases. This request includes, but is not limited to, any assessment of bias, accuracy, wrongful denials, or civil rights concerns.
9. Any memoranda, guidelines, policies, or internal correspondence (including electronic correspondence), or other documents describing the roles and duties of MDHHS employees with respect to the AI tool(s) MDHHS has adopted, including:
 - a. The procedures governing staff review of AI-generated flags;
 - b. Whether staff can view the AI tool's reasoning or only its output; and
 - c. Any training provided to staff regarding the AI tool.
10. Any policies governing any MDHHS audit procedures that may exist for assessing the performance of any AI tool it is utilizing, including any audit logs that may have been compiled since the tool was implemented.
11. Records containing aggregate data on the total number of SNAP applications subject to the AI tool since its implementation, as well as aggregate data on the number and/or percentage of SNAP applications subject to the tool that have resulted in grants, denials, or recalculations.
12. Any memoranda, guidelines, internal correspondence (including electronic correspondence), or other documents describing whether and how SNAP applicants are notified that AI is used to review their cases, including the text of any notice, disclosure, or consent language provided to applicants.
13. Any memoranda, internal correspondence (including electronic correspondence), or other documents discussing how the AI tool(s) adopted by MDHHS will relate to the One Big Beautiful Bill Act's 6% payment error threshold.

All references to "the AI tool(s)" above refers to the systems or technology purchased or considered for purchase by MDHHS that are described at the beginning of this letter.

The ACLU requests that you waive or reduce any fee associated with this request as permitted by MCL 15.234(1). Waiving or reducing the fee is in the public interest because disclosure of the requested public records can be considered as primarily benefiting the general public in its understanding of the state of Michigan's decision to use of AI tools to assess SNAP benefit applications. If this request for waiver of fees is denied and it will cost more than \$50 to process the request, please contact me before proceeding.

Please process and respond to this request pursuant to the requirements of FOIA, including by responding within five business days of receiving this request, by separating exempt from non-exempt material, explaining the basis for any determination that any requested material is exempt from disclosure, and describing any material that is deleted, redacted or withheld.

Further, please provide the requested records in electronic form if it is feasible and economical to do so. Emails transmitting less than 10 MB of data may be sent to pmayor@aclumich.org, or arrangements can be made to supply you with a CD, flash drive, or email address capable of handling larger quantities of data.

Finally, I welcome the opportunity to answer any questions you might have about this request to better clarify or facilitate the production of the public records requested. I can be reached at (313) 578-6803.

Sincerely,

/s/Philip Mayor

Philip Mayor (P81691)

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