

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No: 200619758
Issue No: 3052, 3020
Case No:
Load No:
Hearing Date:
December 8, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on December 8, 2010. The Claimant did not appear. Drema Piech, Recoupment Specialist appeared on behalf of the Department.

ISSUE

Was the Department correct in determining an over-issuance of Claimant's FAP benefits and for seeking recoupment?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was an on going recipient of FAP benefits.
- (2) On July 19, 2006, the Department determined that an over-issuance had occurred due to agency error. Claimant's child support and unemployment income was not budgeted.
- (3) Claimant received over-issuances in the amount of \$1276 under the FAP program between August 2005 and November 2005.
- (4) Claimant requested a hearing on July 22, 2006, contesting the over-issuance determination and recoupment of benefits.
- (5) Notice of hearing was sent to Claimant at her last known address.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the over-issuance (OI) if the over-issuance is greater than \$125. BPB 2010-005. The amount of the OI is the amount of benefits the group or provider actually received minus the amount the group was eligible to receive. BAM 720, p. 6.

In the present case, Claimant received over-issuances of \$1276. The Department improperly calculated Claimant's benefit because child support and unemployment benefits were not budgeted. The Department's determination that Claimant received an over-issuance of \$1276 in FAP benefits is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant received over-issuances in FAP program benefits of \$1276. It is ORDERED that the Claimant reimburse the Department the total sum of \$1276 for FAP and that the Department shall initiate collection procedures in accordance with Department policy. The Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/15/10

Date Mailed: 12/20/10

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

AM/dj

cc:

