

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2007-28923
Issue No: 4060

[REDACTED]

[REDACTED]

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to 7 CFR 273.18; 45 CFR 233.20(a)(13); MCL 400.9; MCL 400.37; MCL 400.43(a); MAC R 400.941 and MCL 24.201, *et seq.*, upon a hearing request by the Department of Human Services (department) to establish an overissuance of benefits to Respondent. After due notice was mailed to Respondent, a hearing was held May 10, 2011, at which Respondent did not appear. This matter having been initiated by the department and due notice having been provided to Respondent, the hearing was held in Respondent's absence in accordance with Bridges Administrative Manual, Item 725.

ISSUE

Whether Respondent received an overissuance of Food Assistance Program (FAP) benefits that the department is entitled to recoup?

FINDINGS OF FACT

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

1. Respondent was receiving FAP at all times pertinent to this hearing, based on submitting an Assistance Application acknowledging that she understood her failure to give timely, truthful, complete and accurate information about her circumstances could result in a civil or criminal action or an administrative claim against her. (Hearing Summary).
2. Respondent reported to her case worker that her brother was living with her on May 7, 2007, and her brother was added as a group member to her FAP benefits case. (Department Exhibits 32-33).

3. On June 29, 2007, Respondent's mother met with Respondent's case worker and informed the case worker that Respondent was committing fraud because her son lived with her and not with Respondent.
4. Respondent received [REDACTED] in FAP benefits during the alleged fraud period of May 2007 through July, 2007. If Respondent had not falsely reported the addition of a group member, Respondent would only have been eligible to receive [REDACTED] in FAP benefits. (Department Exhibit 2-7).
5. Respondent falsely reported a member had been added to her group, resulting in a FAP overissuance for the months of May 2007 through July, 2007, in the amount of [REDACTED]. (Department Exhibit 2-7).
6. Respondent was clearly instructed and fully aware of the responsibility to report all changes affecting benefit amounts to the department.
7. Respondent has no apparent physical or mental impairment that would limit the understanding or ability to fulfill the income reporting responsibilities.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Departmental policy, states that when the client group receives more benefits than the group is entitled to receive, DHS must attempt to recoup the overissuance (OI). Repayment of an OI is the responsibility of anyone who was an eligible, disqualified, or other adult in the program group at the time the OI occurred. Bridges will collect from all adults who were a member of the case. OIs on active programs are repaid by lump sum cash payments, monthly cash payments (when court ordered), and administrative recoupment (benefit reduction). OI balances on inactive cases must be repaid by lump sum or monthly cash payments unless collection is suspended. BAM 725.

In this case, Respondent requested the department add her brother to her FAP group on May 7, 2007, resulting in an increase in her FAP benefits. On June 29, 2007, Respondent's mother reported that her daughter was committing fraud, because Respondent's brother was living with her, and not with Respondent. This Administrative

Law Judge finds that the uncontroverted evidence presented by the department shows that Respondent falsely reported her brother was living with her. Therefore, Respondent is responsible for repayment of the overissuance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Respondent received an overissuance of FAP benefits for the time period of May 2007 through July, 2007, that the department is entitled to recoup.

The department is therefore entitled to recoup FAP overissuance of [REDACTED] from Respondent.

It is SO ORDERED.

/s/
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 5/11/11

Date Mailed: 5/11/11

NOTICE: The law provides that within 60 days of mailing of the above Decision the Respondent may appeal it to the circuit court for the county in which he/she resides or has his or her principal place of business in this state, or in the circuit court for Ingham County. Administrative Hearings, on its own motion, or on request of a party within 60 days of the mailing date of this Hearing Decision, may order a rehearing.

[REDACTED]