

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

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 200915838
No.: 3020
Case No.: [REDACTED]
Hearing Date: May 18, 2011
DHS County: Washetena w County
DHS (20)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Department of Human Services' (Department) request for a Debt Collection hearing. After due notice, a telephone hearing was held on May 18, 2011. The Department was represented by [REDACTED] Recoupment Specialist. Respondent did not appear at the hearing.

ISSUE

Did the Respondent receive an overissuance of Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. Respondent was a recipient of FAP during the period of May of 2005 through July of 2005.
2. During the aforementioned period, Respondent received income that was not budgeted by the Department.
3. As a result, Respondent received an overissuance in FAP benefits in the amount of \$444.00 for the period of May 2005 through July 2005.
4. Respondent did not sign a repay agreement.

5. Respondent's last known address was [REDACTED]
6. A Notice of Debt Collection Hearing was sent to Respondent at her last known address on April 11, 2011.
7. Respondent failed to appear at the hearing, which was conducted in her absence.

CONCLUSIONS OF LAW

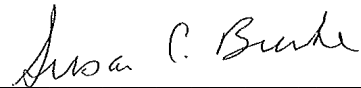
The Food Assistance Program (FAP) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM.

When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the overissuance (OI). BAM,700, p. 1.

In the present case, Respondent received income that was not budgeted by the Department. As a result, Respondent received overissuance in FAP benefits in the amount of \$444.00 for the period of May of 2005 through July of 2005. Respondent did not sign a repay agreement. Notice of this hearing was sent to Respondent at her last known address and therefore I find that Respondent was notified of these proceedings. Respondent was not present at the hearing. I find that Respondent owes the Department \$444.00 for FAP benefit overissuance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Respondent received an overissuance in FAP benefits in the amount of \$444.00. It is therefore ORDERED that Respondent reimburse the Department the sum of \$444.00 for FAP overissuance and that the Department shall initiate collection procedures in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

2009-15838/SCB

Date Signed: May 25, 2011

Date Mailed May 25, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SCB/ctl

cc:

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