

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant,

Reg No: 2009-24670

Issue No:

[REDACTED]

Case No:

Load No: 2502040709

Hearing Date:

July 2, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from [REDACTED] on July 2, 2009.

ISSUE

Whether the Claimant failed to report income to the Department which resulted in an overissuance of Food Assistance Program (FAP) benefits to Claimant?

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 February 26, 2007, Claimant applied for FAP benefits by filling out an Assistance Application, DHS-1171. (Exhibits 1-8)

(2) On February 26, 2007, the Department completed a FAP budget based on no earned or unearned income which resulted in a FAP monthly benefit of [REDACTED] (Exhibits 10-11)

(3) On January 14, 2008, the Department discovered through a [REDACTED] and a Verification of Employment that Claimant had earned income during June - September 2007. (Exhibits 9, 15-18)

(4) On April 14, 2009, the Department completed a FAP budget for September 2007 based on [REDACTED] of earned income which resulted in a FAP monthly benefit of [REDACTED]. (Exhibit 13-14)

(5) On April 14, 2009, the Department completed an Issuance Summary which showed that Claimant was overissued [REDACTED] in FAP benefits for September 2007. (Exhibit 12)

(6) On April 14, 2009, the Department mailed Claimant a Notice of Overissuance, a Department and Client Error Information and Repayment Agreement, an Overissuance Summary and a Hearing Request for Overissuance or Recoupment Action which explained that he was overissued benefits in the amount of [REDACTED] for September 2007 due to client error. (Exhibits 20-23)

(7) On April 24, 2009, the Department received Claimant's hearing request protesting the Department's request for recoupment of the overissuance.

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. Departmental policies are

found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM), and the Program Reference Manual (PRM).

An overissuance is the amount of benefits issued to the client group or CDC provider in excess of what they were eligible to receive. PAM 705, p.5 The amount of the overissuance is the amount of benefits the group or provider actually received minus the amount the group was eligible to receive. PAM 720, p. 6. When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the overissuance (OI). PAM, Item 700, p. 1.

In the instant case, it is clear that Claimant at least made an error in not reporting his income to the Department. With that said, I find that the Department established that it acted in accordance with policy in requesting a recoupment of an overissuance of FAP benefits to Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in requesting a recoupment of an overissuance of FAP benefits to Claimant.

Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 7, 2009

Date Mailed: July 7, 2009

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

SMB/db

cc:

