

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████  
Claimant,

Reg No: 2009-33419  
Issue No: 3020  
Case No: ██████████  
Load No: ██████████  
Hearing Date:  
September 17, 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 ██████████ on September 17, 2009.

ISSUE

Whether Claimant failed to timely report a change in 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 November 22, 2006, Claimant completed and signed a DHS-1171.

(Exhibits 1-7)

(2) On December 22, 2006, the Department completed a FAP budget based on

■ earned income and ■ unearned income which resulted in a monthly allotment of

■ (Exhibits 8-9)

(3) On June 4, 2007, the Department received a Vehicle Repair request from

Claimant that was necessary “in order to maintain/accept employment”. (Exhibit 10)

(4) On June 6, 2007, a Verification of Employment was completed and signed

by Claimant’s employer which revealed part-time employment which began on

March 15, 2007. (Exhibits 16-17)

(5) On August 21, 2008, the Department completed new FAP budgets for

May and June 2007 to include Claimant’s earned income which resulted in an allotment

of ■ for May 2007 and ■ for June 2007. Therefore, Claimant was overissued ■ in

FAP benefits based on Claimant previously receiving ■ in each of these months.

(Exhibits 11-15)

(6) On July 10, 2009, the Department mailed Claimant a Notice of

Overissuance which explained that he was overissued ■ in FAP benefits for the period

of May 1, 2007 to June 30, 2007 due to client error – his failure to timely report a change

in income. (Exhibits 21-25)

(7) On July 16, 2009, the Department received Claimant’s hearing request

protesting the Department’s request for repayment of the overissuance (OI).

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 OI is the amount of benefits issued to the client group or CDC provider in excess of what they were eligible to receive. When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the OI. PAM 700, p.1 A client error occurs when the client gives incorrect or incomplete information to the Department. PAM 700, p.5

In the instant case, Claimant clearly did not timely inform the Department that he started to receive earned income in March 2007. As such, the Department acted in accordance with policy in requesting repayment 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 repayment of an overissuance of FAP benefits to Claimant. The Department is authorized to recoup the overissuance from Claimant.

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

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

Date Signed: September 17, 2009

Date Mailed: September 18, 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:

[Redacted]