

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Respondent

Reg. No: 2009-16717
Issue No: 4060
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 2010
Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 August 18, 2010, at which respondent did not appear.

ISSUE

Did the respondent receive an overissuance (OI) of Food Assistance Program (FAP) benefits that the department is entitled to recoup?

FINDINGS OF FACT

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

1. The respondent signed an Assistance Application (DHS-1171) on February 12, 2007. (Department Exhibit 1 – 8)
2. At the time of application, the respondent had not received child support since 2006, so it was not budgeted by the department. (Department Exhibit 9)
3. The respondent was notified that she was to contact the local office within ten days of any changes, including any child support received. (Department Exhibit 12)
4. The respondent began to receive child support income in June, 2007, but failed to report it to the department. (Department Exhibit 18 – 23)
5. If the child support income had been budgeted, the respondent would only have been eligible to receive \$320 in FAP benefits for August and September, 2007. The respondent actually received \$616, which is an overissuance of \$296. (Department Exhibit 25 – 29)
6. On February 10, 2009, the respondent was mailed a Notice of Overissuance (DHS-4358), showing an overissuance of \$296.

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

Departmental policy, BAM 725, Collection Actions, states that when the client group receives more benefits than 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.

Departmental policy requires that the department recoup any benefits that were overissued to the respondent. The respondent failed to report that she began to receive child support income in June, 2007. If this income had been properly reported and budgeted, the respondent would only have been eligible to receive \$320 in FAP benefits. The respondent received \$616, which is an overissuance of \$296 that the department is entitled to recoup.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the respondent received an overissuance of FAP benefits in the amount of \$296 that the department is entitled to recoup from the respondent.

The department is therefore, entitled to recoup the \$296 FAP overissuance from the respondent. SO ORDERED.

/S/

Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 14, 2010

Date Mailed: October 18, 2010

NOTICE: The law provides that within 60 days from the mailing date of the above hearing 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.

SLM [REDACTED]

cc: [REDACTED]