



████ on 3/1/09, \$16 on 4/1/09 and █████ on 5/1/09 towards his overissuance balance.

(Exhibits 2, 3, 4)

(3) Claimant's unemployment benefits ended in March 2009. Claimant, therefore, was entitled to an increase in his FAP benefits and the Department ended up issuing Claimant a FAP supplement of █████ for March, April and/or May. The █████ was placed on his card, but was removed in its entirety on 5/6/09 towards his overissuance balance. (Exhibits 2, 3, 4)

(4) On May 18, 2009, the Department received the Claimant's hearing request protesting the recoupment of his FAP benefits 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).

Active programs are subject to Administrative Recoupment (AR) for repayment of overissuances. AR continues until program closure or all collectible overissuances are repaid. AR automatically resumes when a program with an overissuance balance reopens. FAP benefits are reduced for recoupment by a percentage of the monthly FAP entitlement. AR occurs only on current month issuances and automatically changes when the monthly issuance amount changes. The standard AR percentage for FAP is 10% for



**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:

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