

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: 2010-11026
Issue No: 3052
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 6, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on July 8, 2009, at which respondent did appear along with [REDACTED].

ISSUE

Did the respondent receive an overissuance 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. Respondent was a FAP recipient when the department discovered she had been living with her mother, [REDACTED], during parts of the previous 12 months.

2. Respondent was under the age of 22. FAP policy requires parents and their children under age 22 be in the same FAP group regardless of whether the child has his/her own spouse or child that lives with the group.

3. Respondent completed an Assistance Application, DHS-1171, on February 21, 2008 when she applied for FAP benefits, and listed her mother as living in the home.

Department's caseworker however did not include respondent's mother in the FAP group.

4. Respondent was contacted by her caseworker on February 20, 2009 and stated that she had lived in her mother's home from February, 2008 to May, 2008, and again from November 2008 to February, 2009.

5. On May 26, 2009 department requested information regarding respondent's mother. No response was provided to this request, and department could therefore not address any potential FAP eligibility for the periods of time in question. Department therefore concludes that the respondent was not eligible for FAP benefits for two time periods, March, 2008 through May, 2008, and January, 2009 through February, 2009.

6. As a result of the department error (as the respondent listed her mother on her application and department failed to include her when determining FAP eligibility), respondent received FAP benefits in the amount of \$645 from March, 2008 through May, 2008 and \$484 from January, 2009 through February, 2009, for a total of \$1,129 ineligibly.

7. Respondent was mailed a Notice of Overissuance and requested a hearing.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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.

Respondent's FAP overissuance was determined to be department error. Departmental policy requires that the department recoup both department and client error overissuances. Respondent is therefore responsible for repayment of the overissuance.

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 for the time period of

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March, 2008 through May 2008 and January, 2009 through February, 2009, that the department is entitled to recoup.

Department is therefore entitled to recoup FAP overissuance for the two time period listed above, \$645 and \$484 respectively, for a total of \$1,129, from the respondent. SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 27, 2010

Date Mailed: April 27, 2010

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

IR/tg

cc:

