

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: 2010-12321
Issue No: 3052
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 7, 2010
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 held on January 7, 2010. Claimant personally appeared and testified.

ISSUE

Did the claimant receive more Food Assistance Program (FAP) benefits than she was entitled to receive, resulting in benefit overissuance for September and October, 2009 that is subject to recoupment action?

FINDINGS OF FACT

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

1. Claimant was a FAP recipient when the department's computer system BRIDGES issued a notice stating she received more such benefits than she was entitled to receive, for the months of September and October, 2009, total of \$303, due to agency error.

2. Claimant requested a hearing on November 23, 2009, after receiving the Notice of Overissuance dated November 12, 2009.

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).

When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the overissuance. The threshold for pursuit of FAP overissuance for department error was lowered to \$500 effective April 1, 2005 and retroactive back to September 1, 2003. BAM 700.

In claimant's case her caseworker testified she had reviewed the FAP budgets for the months in question, and the only conclusion that can be reached is that the BRIDGES system counted incorrect amount of claimant's household income for the months of September and October, 2009. Claimant's household receives income from Social Security Administration and cash benefits from the department, and according to claimant's caseworker these income amount had not changed. Therefore, BRIDGES computation of FAP overissuance due to agency error is not correct. Furthermore, even if the claimant was indeed overissued \$303 in FAP benefits, such overissuance due to department error would not be subject to recoupment as it is under \$500.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant was not overissued FAP benefits for the months of September and October, 2009, and that she is not subject to recoupment of the alleged overissuance determined through computer error.

Accordingly, department's action is REVERSED, and it is ORDERED that the alleged FAP overissuance will be documented as non-existent on department's records.

/s/

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

Date Signed: January 21, 2010

Date Mailed: January 27, 2010

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.

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