

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.: 2010-24295

Issue No.: 3020

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 31, 2010

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on March 31, 2010. The Claimant appeared with her grandson, [REDACTED] and both testified. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining an overissuance of Claimant's FAP benefits and for seeking recoupment?

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 an ongoing recipient of FAP benefits.
- (2) During the Bridges conversion Claimant was given a medical expense deduction of \$157 apparently due to a computer glitch.
- (3) Claimant had medical expense of at least \$96 during the period in question.

- (4) The Department alleged at hearing that Claimant received overissuances of \$269 between August 2009 and October 2009 due to an unverified medical expense of \$157.
- (5) How the \$269 overissuance was calculated could not be explained by the Department at hearing. No documents were submitted by the Department that explained how the overissuance was calculated.
- (6) The Department could not ascertain whether any medical expense was given to the Claimant in calculating the overissuance.
- (7) Claimant requested a hearing on January 22, 2010 contesting the overissuance determination and recoupment of benefits.

CONCLUSIONS OF LAW


The Food Assistance Program, 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”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), 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 over issuance (OI) if the overissuance is greater than \$125. BPB 2010-005. The amount of the OI is the amount of benefits the group or provider actually received minus the amount the group was eligible to receive. BAM 720, p. 6.

In the present case, the Department alleged that Claimant received an overissuance of \$269. At the hearing, the Department could not explain how the \$269 overissuance was calculated. None of the documents submitted by the Department explained how the overissuance was calculated. The Department could not ascertain whether any medical expense was given in calculating the overissuance. The Department failed to present sufficient evidence that an overissuance has occurred.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department failed to present sufficient evidence that Claimant received overissuances in FAP program benefits and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Any monies recouped from Claimant shall be repaid to her in the form of a supplement.

/s/ 

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 08, 2010

Date Mailed: April 14, 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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