

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.: 2010-29489
Issue No.: 3052
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 28, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

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 conducted from Detroit, Michigan on April 28, 2010. Claimant appeared and testified; William Edwards also appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether Claimant is responsible for an \$800 of Food Assistance program (FAP) benefits overissuance from 10/2009-1/2010.

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 FAP recipient receiving \$200/month in FAP benefits.
2. In 8/2009, Claimant's household changed due to marriage to [REDACTED].
3. [REDACTED] had gross income of approximate \$5300/month.

4. [REDACTED] income exceeds the monthly FAP gross income limit.
5. Claimant reported the change in household to DHS in 1/2010.
6. If Claimant had timely reported the change in household members and income, the FAP change would have affected benefits for 10/2009.
7. Based on the change in household members and income, Claimant was eligible for \$0/month in FAP benefits.
8. Claimant's delay in reporting the change resulted in \$800 in FAP benefits overissuance.
9. Claimant submitted a hearing request on 3/30/10 regarding recoupment of FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

BAM 700 defines benefit overissuances as the amount of benefits issued to the client group in excess of what they were eligible to receive. Overissuances are categorized as agency caused or client caused. The distinction matters little as both are potentially recoupable if the error exceeds \$125.

In the present case, a client error resulted in overissuance of FAP benefits. Claimant received \$200/month in FAP benefits through 1/2010. Claimant's marriage in 8/2009 created a change in household which if reported timely would have affected FAP benefits in 10/2009.

DHS correctly identified that the change in household resulted in \$0/month in FAP benefits. Thus, the overissuance was correctly identified as four months from 10/2009-1/2010 where Claimant was overissued a total of \$800 in FAP benefits.

As discussed in the hearing, Claimant may repay the benefits through recoupment of ongoing FAP benefits or for a monthly repayment for a minimum of \$20/month. Though the undersigned sympathizes with Claimant and her spouse's circumstances, DHS is found to have correctly calculated the amount of FAP benefits to be recouped.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that claimant was overissued \$800 in FAP benefits and that DHS may seek recoupment of said FAP benefits.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/4/2010

Date Mailed: 5/4/2010

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.

CG/jlg

2010-29489/CG

cc:

