

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201053276
Issue No: 3052
Case No: [REDACTED]
Hearing Date: July 7, 2011
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is assigned to me 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 over issuance of benefits to Respondent. After due notice was mailed to Respondent, a hearing was held on July 7, 2011, at which Respondent did appear along with her Mother [REDACTED]. This matter having been initiated by the Department and due notice having been provided to Respondent, the hearing was held in accordance with Bridges Administrative Manual, Item 725.

ISSUE

Whether Respondent received an over issuance (OI) of Food Assistance Program (FAP) benefits that the Department is entitled to recoup?

FINDINGS OF FACT

I, based upon the competent, material, and substantial evidence on the whole record, find as material fact:

1. Respondent was an active FAP recipient from April 2009 through January 2010.
2. From April 2009 through January 2010, the Respondent received [REDACTED] in FAP OI due to Department error.
3. The entire amount of the FAP OI is still due and owing to the Department.
4. On February 10, 2010 the Department received from the Claimant a Shelter Verification Form. The form indicates the Claimant lived at

[REDACTED] since May 19, 2007. (Department Exhibit 34).

5. On April 16, 2010, the Department sent the Claimant a Notice of OI. (Department Exhibit 3).
6. On June 18, 2010, the Department received from the Claimant a Hearing Request for OI or Recoupment Action. (Department Exhibit 2).

CONCLUSIONS OF LAW

The FAP 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 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 Bridges Reference Manual (BRM).

Departmental policy, states that when the client group receives more benefits than the group is entitled to receive, the Department must attempt to recoup the 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. BAM 725.

The record was very unclear as to the actual residence of the Claimant during the time period in question. I found the Claimant's own hearing request as well as her testimony and the testimony of [REDACTED] to be conflicting. What is clear is the Claimant used the residence of [REDACTED] for a mailing address and also used the address on various shelter verification forms. Therefore, the Agency appropriately used [REDACTED] address as the Claimant's address for budgeting purposes for the time period in question.

Additionally, the Department admitted they did not follow their own policies in budgeting Respondent's income. Because the Department failed to use the appropriate household income, Respondent received an OI of benefits. Regardless of fault, the Department must attempt to recoup the OI.

I find the evidence presented by the Department shows the Respondent received more benefits than she was entitled to receive. Therefore, Respondent is responsible for repayment of the OI.

DECISION AND ORDER

I, based upon the above findings of fact and conclusions of law, decide the Respondent received an OI of FAP benefits. The Department is entitled to recoup the OI.

The Department is therefore entitled to recoup a FAP OI of [REDACTED] from the Respondent.

The Department shall initiate collection procedures in accordance with Department policy.

_____/s/

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 8, 2011

Date Mailed: July 11, 2011

NOTICE: The law provides that within 60 days of mailing of the above Decision the Respondent may appeal it to the circuit court for the county in which he/she resides or has his or her principal place of business in this state, or in the circuit court for Ingham County. Administrative Hearings, on its own motion, or on request of a party within 60 days of the mailing date of this Hearing Decision, may order a rehearing.

CAA/cr

cc:

[REDACTED]