

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20111226
Issue No.: 3000; 3020
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 22, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 held on November 22, 2010. The Claimant appeared and testified. [REDACTED], Recoupment Specialist appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant received overissuance of 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) On September 17, 2010 the Department determined that overissuance occurred due to Department error. The agency failed to budget pension income.
- (3) Claimant received overissuances in the amount of \$732 between May 2009 and April 30, 2010 under the FAP program due to agency error.
- (4) Claimant requested a hearing on September 23, 2010 contesting the overissuance determination and recoupment of benefits.

- (5) The parties agreed that Claimant received overissuance in the amount of \$732 between May 2009 and April 2010. The parties also agreed that Claimant was entitled to \$16 in benefit for May, June, July and August 2010 in the amount of \$16.

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"), formerly 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").

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing. BAM 600.

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.

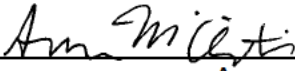
In the present case, the parties reached an agreement regarding Claimant's FAP overissuance. The parties agreed that Claimant received overissuance in the amount of \$732 between May 2009 and April 2010. The parties further agreed that Claimant was entitled to \$16 for the months of May, June, July and August 2010. \$64 should be subtracted from the overissuance. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore it is ORDERED that Claimant received overissuances in FAP program benefits of \$668 due to agency error and Claimant was entitled to \$16 for the months of May, June, July and August 2010. \$64 shall be subtracted from the

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overissuance, in accordance with this settlement agreement.



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

Date Signed: December 3, 2010

Date Mailed: December 3, 2010

NOTICE: The law provides that within 60 days from the mailing date 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.

AM/hw

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