

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

IN THE MATTER OF:



Reg. No.: 2013-39285
Issue No.: 3020
Case No.: [REDACTED]
Hearing Date: May 6, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's. After due notice, a telephone hearing was held on May 6, 2013 from Detroit, Michigan. Claimant was present and testified. The Department of Human Services (Department) was represented by [REDACTED], Recoupment Specialist.

ISSUE

Did the Department properly determine that Claimant received an overissuance (OI) of Food Assistance Program (FAP) benefits in the amount of \$3,642.00?

FINDINGS OF FACT

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

1. On December 6, 2012, the Department issued a Notice of Overissuance to Claimant, showing an overissuance of FAP benefits to Claimant in the amount of \$3,642.00. (Exhibit 18)
2. On January 8, 2013, Claimant filed a request for hearing. (Exhibit 19)
3. On January 2, 2013, Claimant signed a repayment agreement and the repayment agreement was received by the Department on January 11, 2013. (Exhibit 21)
4. Claimant received an overissuance in the amount of \$3,642.00 the FAP program.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the overissuance (OI), even if it is Agency Error. BAM 700

The OI period begins the first month when benefit issuance exceeds the amount allowed by policy, or 12 months before the date the OI was referred to the recoupment specialist, whichever is later. BAM 705

In the present case, an overissuance referral was received by the recoupment specialist on October 4, 2012. (Exhibit 1) In addition, Claimant does not deny that she received an overissuance in FAP benefits beginning in October of 2011. During the hearing, Claimant had an opportunity to review the budgets presented by the Department and Claimant did not disagree with the amounts shown in the budgets. Moreover, Claimant signed a repayment agreement on January 2, 2013. (Exhibit 21)

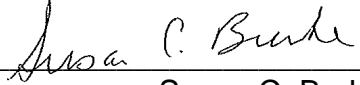
After a review of the budgets and testimony presented by the parties, it is concluded that the Department properly determined that Claimant received an overissuance of FAP benefits in the amount of \$3,462.00.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department was correct in its determination with regard to FAP overissuance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department was correct in its action of determining that Claimant was received an overissuance of FAP benefits in the amount of \$3,642.00.

It is ORDERED that the Department's decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 7, 2013

Date Mailed: May 8, 2013

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

Respondent may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the Respondent:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SCB/tm

cc:

