

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-17835
Issue No: 4060
Case No: [REDACTED]
Hearing Date: January 24, 2013
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on January 24, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

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

1. Respondent was an active FAP recipient from September 1, 2011 through December 31, 2012.
2. From September 1, 2011 through December 31, 2012, the Respondent was issued \$ [REDACTED] in FAP benefits. From September 1, 2011 through December 31, 2012, the Respondent was only eligible for \$ [REDACTED] in FAP benefits. From September 1, 2011 through December 31, 2012, the Respondent received a FAP OI totaling \$ [REDACTED] due to Department error.
3. The amount of \$ [REDACTED] is still due and owing to the Department.

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.

I have reviewed the Department's exhibits and have concluded that because the Department failed to properly budget the Claimant's income (City of Three Rivers, pension) and mortgage insurance, this led to the Respondent receiving an OI of benefits. **Regardless of fault, the Department must attempt to recoup the OI.**

Additionally, during the hearing, the Claimant indicated a FAP OI existed. However, the Claimant's main contention was the fact the Department had not put any money on her Bridge card beginning in September of 2012. After reviewing the Claimant's transaction history, I found the Department had loaded benefits onto the Claimant's card in September, November and December of 2012 and that the Claimant had used the card in September and October of 2012.

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: January 29, 2013

Date Mailed: January 29, 2013

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.

Claimant 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 claimant:
 - 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

CAA/las

cc:

