

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

IN THE MATTER OF:



Reg. No.: 201349219
Issue No.: 3052
Case No.: 101134145
Hearing Date: June 26, 2013
County: Oscoda

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 26, 2013. Claimant and her [REDACTED] Ian appeared and testified.

ISSUE

Did Claimant receive a \$ [REDACTED] over-issuance of Food Assistance Program (FAP) benefits between November 1, 2012 and April 30, 2012 which the Department of Human Services is entitled to recoup?

FINDINGS OF FACT

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

- (1) On October 12, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits would be reduced from \$ [REDACTED] to \$ [REDACTED] beginning November 1, 2012.
- (2) On October 17, 2012, Claimant submitted a timely request for hearing. When the Department case worker continued Claimant's Food Assistance Program (FAP) at \$ [REDACTED] pending a hearing, a BRIDGES error occurred.
- (3) On November 28, 2012, an Administrative Law Hearing was conducted on Claimant's request for hearing.
- (4) On November 29, 2012, the Department was ordered to recalculate Claimant's Food Assistance Program (FAP) eligibility for the period beginning November 1, 2012.

- (5) On April 19, 2013, the BRIDGES error was resolved by DTMB.
- (6) On April 22, 2013, the Department was able to recalculate Claimant's Food Assistance Program (FAP) eligibility as of November 1, 2012. The financial eligibility budget shows that Claimant is eligible for only \$ [REDACTED]
- (7) On May 17, 2013, Claimant was sent a Notice of Over-Issuance (DHS-4358).
- (8) On May 22, 2013, Claimant submitted a request for hearing regarding recoupment of the over-issuance.

CONCLUSIONS OF LAW

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 of Human Services (DHS or 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 Program Reference Manual (PRM).

The original November 1, 2012 decrease in Food Assistance Program (FAP) benefits resulted because Claimant's financial eligibility budget contained a significant medical expense that was no longer valid. No other items changed in the budget. At this hearing Claimant and spouses' medical expenses were verified. The FAP financial eligibility budget was reviewed and found to be correct.

The BRIDGES error extended the time period in which Claimant was issued the higher amount of benefits pending the hearing. It can be argued that the portion of the over-issuance following the November hearing is agency error. However, the label makes no difference because client error and agency error over-issuances are determined, calculated, and acted upon the same way.

This is an unfortunate set of circumstances and the larger over-issuance amount was not intentionally caused by Claimant. However, the over-issuance has been properly calculated and will be recouped in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides Claimant received a \$2,106 over-issuance of Food Assistance Program (FAP) benefits between November 1, 2012 and April 30, 2012 which the Department of Human Services is entitled to recoup.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/28/13

Date Mailed: 7/1/13

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.

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

GFH/tb

cc:

