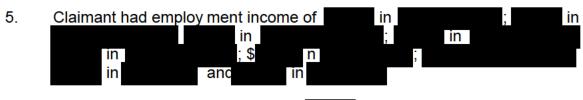
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:		Reg. No: 20136081 Issue No: 3052		
	VE	Hearing Date: Ottawa County DHS (70)		
ADMINISTRATIVE LAW JUDGE: Aaron McClintic				
DECISION AND ORDER				
and MCL 400	s before the undersigned Administrative Law J 0.37 upon the Claimant 's request for a heari aring was held on Claiman and both testified. The Department was rep	ing. After due notice, an nt appeared <u>with his wife,</u>		
<u>ISSUE</u>				
Was the Department correct in determining an overissuance of Claimant's 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 a recipient of F AP benefits assistance from through	s receiving in food		
2. Claimant reported monthly em ployment income of application on based on an estimate of her fluctuating income with the school district.				
3.	Claimant submitted a semi-annual contact r stating no changes in income.	report on		
4.	substantially more employment in come than	d by the Department showing monthly income ove the simplified reporting		



- 6. Claimant's mortgage payment was per month during the period in question.
- 7. Claimant was entitle d to Food Assistanc e in the amount of ; and ; and
- 8. Claimant was entitled to n Food As sistance in and and . Du ring these months Claimant exceeded the gross income limit.
- 9. Claimant was entitled to in Food Assistance in
- 10. The Department alleged t hat Claimant received ov erissuances of \$ between income being budgeted.
- 11. Claimant requested a hearing on overissuance determination and recoupment of benefits.

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 Servic es ("DHS"), formally known as the Family Independ ence Agency, administers the FAP pr ogram 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 Eligib ility Manual ("BEM"), and the Program Reference Manual ("PRM").

DEPARTMENT POLICY

All Programs

Recoupment policies and procedures vary by program and overissuance (OI) type. This item explains agency error OI processing and establishment.

BAM 700 explains OI discovery, OI types and standards of promptness.

BAM 715 explains client error, and BAM 720 explains Intentional Program Violations.

OVERISSUANCE PROCESSING

All Programs

FIS/ES Ac tions When you discover a potential OI, you must:

- Take immediate action to correct the current benefits (See BAM 220, Cas e Actions, for change processing requirements).
- 2. Obtain initial evidence that an OI potentially exists.
- Determine if the OI was c aused by department, provider or client actions.
- 4. Refer any Ols needing referral to the RS within **60 days** of suspecting an Ol exists. BAM 700

Simplified Reporting

FAP Only

Bridges determines the first mo nth of the overissuance as two months after the actual monthly inc ome exceeded the simplified reporting (SR) limit. This accounts for the 10 days to report by the client, the 10 days for the specialist to act on the change and the 12-day negative action period; see BAM 200. BAM 715.

OVERISSUANCE AMOUNT

FIP, SDA, CDC and FAP

The amount of the OI is the benefit amount the group or provider actually received mi nus the amount the group was eligible to receive.

FAP Only

If the OI involves two or more FAP groups which have received benefits as one group, determine the OI amount by:

- Adding together all benefits re ceived by the groups that must be combined, and
- Subtracting the correct benef its for the one combined group.

Overissuance Threshold

FIP, SDA, CDC and FAP Only

No client overissuance will be established if the OI amount is less than \$250.

in FAP bene Claimant's alleg her to give an estima Claimant's test information needed the future. Departm annual contact reporunderstandable if Cl dictates what actions discovered. BAM 70 increase in income van overissuance of least	ef its ged that the worker assisting he ate of her fluctuating employme ifi ed that she was unaware that to be provided if her em ployme ent policy contained in the app rt out—line income reporting re aimant did not understand the smust be taken when a si 00. The Department correctly f was discovered. The Department FAP has occurred in the amount	ent income increased substantially in olic ation materials and in the semi- quirem ents to recipients. It i sees rules; however, policy clearly substantial increase in income is followed Department policy once the ent presented sufficient evidence that	
	DECISION AND OF	RDER	
The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, finds that the Department present ed sufficient evidence and was correct that Claimant received overissuances in FAP program benefits in the amount of it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED .			
		Am Milet	
-	Aaron	Am Michtin McClintic	
	Administrative	Law Judge	
	for Department	Maura Corrigan, Director of Human Services	
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Date Signed: May 3, 2013

Date Mailed: May 3, 2013

NOTICE: Administrative Hearings may or der a rehearing or reconsider ation on either its own motion or at the request of a party within 30 days of the mailing date of this Decis ion and O rder. Administrative Hearings will not or der a rehearing or reconsideration on the Department's moti on 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AM/kl



