

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201323005
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 17, 2013
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

Upon a hearing request by the Department of Human Services (Department) to establish an over issuance (OI) of benefits to Respondent, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 400.43a, and 24.201, *et seq.*, and Mich. Admin Code, R 400.941, and in accordance with 7 CFR 273.15 to 273.18, 42 CFR 431.200 to 431.250, 45 CFR 99.1 to 99.33, and 45 CFR 205.10. After due notice, a telephone hearing was held on October 17, 2013, from Lansing, Michigan. Respondent appeared and testified. Participants on behalf of the Department included Recoupment Specialist [REDACTED].

ISSUE

Did Respondent receive a [REDACTED] over-issuance of Food Assistance Program (FAP) benefits from August 1, 2012, to September 30, 2012, which the Department is entitled to recoup?

FINDINGS OF FACT

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

1. August 1, 2012 to September 30, 2012 has been properly calculated as the over-issuance period.
2. Respondent was a recipient of Food Assistance Program (FAP) benefits during the over-issuance period.
3. Respondent received a [REDACTED] over-issuance of Food Assistance Program (FAP) benefits during the over-issuance period.

CONCLUSIONS OF LAW

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

In this case the Department has classified the over-issuance as client error. Respondent asserts she reported the change in July. With regard to the over-issuance period, over-issuance amount, and the Department's entitlement to recuperate the over-issuance, there is no distinction between an agency and client error over-issuance.

The evidence in the record shows that Respondent was receiving Food Assistance Program (FAP) benefits under the Simplified Reporting Program. The Semi-Annual Contact Report (DHS-1046) shows that Claimant would be required to report if her monthly income changed to [REDACTED] more than [REDACTED]. Claimant would be required to report the change by the 10th day of the month following the month her income increased by more than [REDACTED].

The evidence of Respondent's employment shows she worked and made more than [REDACTED] during the month of May. Respondent was required to report the change by June 10, 2013. The over-issuance period in this case was calculated using that premise.

Respondent's assertion she reported a change in July shows that she failed to report a change in June, as required. The Department has properly classified this as a client error over-issuance.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, if any, finds that the Department established a \$1,052 Food Assistance Program (FAP) over-issuance which the Department is entitled to recoup

DECISION AND ORDER

Accordingly, the Department is **AFFIRMED**.

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

Date Signed: 11/05/2013

Date Mailed: 11/05/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

GFH/sw

cc:

