

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201259766
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: December 10, 2013
County: Mason

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 December 10, 2013, from Lansing, Michigan. Respondent and her spouse, [REDACTED], appeared and testified. Participants on behalf of the Department included [REDACTED] and AP Supervisor [REDACTED].

ISSUE

Did Respondent receive a [REDACTED] over-issuance of Food Assistance Program (FAP) benefits from August 1, 2011, to February 29, 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. On July 31, 2011, Claimant submitted an application for Food Assistance Program (FAP) benefits. The listed household included Claimant, her spouse [REDACTED], and their daughters [REDACTED] and [REDACTED]. In the application Claimant listed that [REDACTED] employment ended on June 3, 2011.
2. On March 29, 2012, [REDACTED] employer provided the Department with information that he received pay in every month from June 2011, through February 2012.

3. August 1, 2011, to February 29, 2012, has been properly calculated as the over-issuance period.
4. Claimant was a recipient of Food Assistance Program (FAP) benefits from August 1, 2011 to February 29, 2012.
5. Claimant received a [REDACTED] over-issuance of Food Assistance Program (FAP) benefits during the over-issuance period because Client failed to report earned income to the Department on the initial application or on the Semi-Annual Contact Report (DHS-1046) Claimant signed on December 27, 2011.
6. During this hearing the Department's verbal motion to reduce the over-issuance amount from [REDACTED] down to [REDACTED] was granted.
7. During this hearing it was determined that some amount of the total over-issuance amount was recouped while Claimant's Food Assistance Program (FAP) was still active.

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.

During this hearing the evidence and over-issuance budgets were reviewed closely. A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, if any, finds that the Department has establish a client error Food Assistance Program (FAP) benefit OI to Respondent of [REDACTED] from August 1, 2011 to February 29, 2012.

DECISION AND ORDER

Accordingly, the Department is **AFFIRMED**.

The Department is ORDERED to determine the uncollected portion of this Food Assistance Program (FAP) over-issuance and initiate collection procedures in accordance with Department policy.

/s/

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

Date Signed: 12/27/2013

Date Mailed: 12/30/2013

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

201259766/GFH

GFH/sw

cc:

