

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201326538
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: January 15, 2014
County: Sanilac

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 January 15, 2014, from Lansing, Michigan. Participants on behalf of Respondent included herself and her spouse, [REDACTED]. 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 December 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. Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On August 31, 2011, Claimant was sent a Notice of Case Action (DHS-1605) which showed her group's Food Assistance Program (FAP) eligibility beginning September 1, 2011, with no earned income in the financial eligibility budget.
3. In October 2011 [REDACTED] began employment at [REDACTED].

4. On April 17, 2012, a quarterly wage match was run and showed [REDACTED] had earnings from [REDACTED] during the 4th quarter of 2011.
5. On July 18, 2012, Claimant was sent a Wage Match Client Notice (DHS-4638).
6. On July 26, 2012, Claimant returned the Wage Match Client Notice (DHS-4638) along with [REDACTED] check stubs from [REDACTED].
7. The Client erred by not reporting the beginning of earned income at Impeccable Painting.
8. December 1, 2011, to February 29, 2012, has properly been calculated as the over-issuance period for the Client error over-issuance in this case.
9. Due to the Client error, Claimant 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

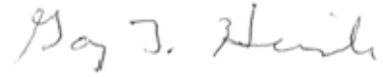
The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

In this case Claimant asserts that they reported [REDACTED] income from [REDACTED]. Evidence in the record supports this assertion. However, the evidence shows that the income was reported July 26, 2012 which is after the over-issuance period at issue in this action. It is also noted that the Department was aware of the income on April 17, 2012. Any over-issuance after that date would be agency error. However, the over-issuance period at issue in this case ends on February 29, 2012.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did establish a [REDACTED] Client error over-issuance of Food Assistance Program (FAP) benefits from December 1, 2011 to February 29, 2012.

DECISION AND ORDER

Accordingly, the Department is **AFFIRMED**.



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

Date Signed: 02/03/2014

Date Mailed: 02/03/2014

NOTICE OF APPEAL: 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).

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.

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

201326538/GFH

GFH/sw

cc:

