

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

IN THE MATTER OF:



Reg. No.: 201429676
Issue No(s): 3006
Case No.: [REDACTED]
Hearing Date: June 3, 2014
County: Saginaw County DHS

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 June 3, 2014, from Lansing, Michigan. Participants on behalf of the Department included [REDACTED] [REDACTED]

Respondent did not appear. This matter having been initiated by the Department and due notice having been provided to Respondent, the hearing was held in Respondent's absence in accordance with Department of Human Services Bridges Administrative Manual (BAM) 725.

ISSUE

Did Respondent receive a \$ [REDACTED] over-issuance of Food Assistance Program benefits from October 1, 2013 to February 28, 2014?

FINDINGS OF FACT

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

1. Respondent was a recipient of Food Assistance Program benefits from the Department.
2. October 1, 2013 to February 28, 2014 has been properly determined as the over-issuance period.
3. Due to agency error of not using Respondent's reported student status when determining his eligibility, he received a \$ [REDACTED] over-issuance of Food Assistance Program benefits from October 1, 2013 to February 28, 2014.

4. The Department requested this Debt Establishment hearing on behalf of Respondent on February 24, 2014.

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

BAM 725 COLLECTION ACTIONS (2013)

DEPARTMENT POLICY FIP, SDA, CDC AND FAP

When the client group or CDC provider receives more benefits than entitled to receive, DHS must attempt to recoup the over-issuance. This item explains repayment responsibility, Benefit Recovery System data management, and the various collection processes used by DHS.

PAYMENT RESPONSIBILITY

All Programs

Repayment of an over-issuance is the responsibility of:

Anyone who was an eligible, disqualified, or other adult in the program group at the time the over-issuance occurred.

A FAP-authorized representative if they had any part in creating the FAP overissuance.

DEBT COLLECTION HEARINGS FIP, SDA, CDC, MA and FAP

DHS requests hearings for debt establishment and collection purposes. The hearing decision determines the existence and collect-ability of a debt to the agency.

Repay Not Returned

If the DHS-4355, Repay Agreement, is not returned within 30 days of being sent out, the RS must review the over-issuances identified on the GH-800 to determine if a debt collection hearing is appropriate.

Pursue a debt collection hearing only when the repay agreement has not been returned as undeliverable.

Notice of Hearing

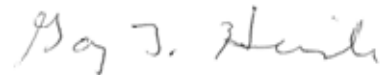
MAHS schedules the hearing. The client is sent a DHS-828, Notice of Debt Collection Hearing approximately three weeks prior to the hearing date. A copy of this notice is sent to the local office hearings coordinator.

If the DHS-828 is returned to MAHS by the post office as undeliverable, MAHS will dismiss the hearing.

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, finds that the Department has established a Food Assistance Program benefit over-issuance to Respondent totaling \$ [REDACTED]

DECISION AND ORDER

Accordingly, the Department is **AFFIRMED**.



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

Date Signed: June 17, 2014

Date Mailed: June 17, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

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A written request may be faxed or mailed to MAHS. If submitted by fax, 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/hj

cc:

