

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-009894
Issue No.: 3006
Case No.: [REDACTED]
Hearing Date: December 03, 2014
County: GENESEE-DISTRICT 2 (MC CREE)

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Upon a hearing request by the Department of Human Services (Department) to establish an overissuance (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, an in-person hearing was held on Wednesday, December 3, 2014, from Flint, Michigan. Participants on behalf of the Department included [REDACTED], RS.

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 an OI of Food Assistance Program (FAP) benefits?

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 FAP benefits from the Department.
2. The Department alleges Respondent received a FAP OI during the period January 1, 2014, through April 30, 2014, due to Respondent's error.
3. The Department alleges that Respondent received a \$ [REDACTED] OI that is still due and owing to the Department.

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.

Additionally, the Claimant applied for FAP benefits on September 20, 2013. Department Exhibit 25-45. The Claimant marked on his application that he did not have any felony drug convictions after August 22, 1996. Department Exhibit 42. On October 4, 2013, the Claimant was approved for FAP effective September 26, 2013 forward. Department Exhibit 17-24. On May 5, 2014, the Offender Tracking Information System (OTIS) showed that the Claimant had at least two drug-related felonies after August 22, 1996. Department Exhibit 13-15. On August 13, 2014, the Department Caseworker sent the Respondent a notice that he had received an overissuance of FAP benefits from January 1, 2014 through April 30, 2014 in the amount of \$756. Department Exhibit 7-10.

During the hearing, the Department Caseworker testified that she spoke to the Respondent. He stated that the felonies had been downgraded to misdemeanors. However, the change was not reflected on OTIS and the Respondent's FAP case was closed. The Respondent is required to repay the Department for the overissuance of the FAP benefits of \$756 during the contested time period. The Respondent has the responsibility to work with the court or police department to make sure that OTIS information is correct. If the Respondent gets the information corrected, he can bring proof of the correction to the Department for reconsideration.

As a result, the Respondent received an overissuance of FAP benefits during the contested time period of January 1, 2014 through April 30, 2014 that he was not entitled to due to Respondent's error. The Respondent received an overissuance of \$ [REDACTED] that the Department is required to recoup. BAM 715. BEM 203.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did establish a FAP benefit OI to Respondent totaling \$ [REDACTED]

DECISION AND ORDER

Accordingly, the Department is determination is AFFIRMED.



Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/26/2014**

Date Mailed: **12/26/2014**

CGF/hj

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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.

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 48909-8139

cc:

