

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-21137
Issue No.: 3006
Case No.: [REDACTED]
Hearing Date: April 24, 2014
County: Newaygo

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Respondent's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 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, telephone hearing was held on Thursday, April 24, 2014, from Lansing, Michigan. Participants on behalf of Respondent included the Respondent and the Respondent's [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], RS.

ISSUE

Did Respondent receive an over-issuance of program benefits that 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. Respondent received benefits for Food Assistance Program (FAP).
2. The Department determined that Respondent received a FIP FAP SDA CDC over-issuance in the amount of \$ [REDACTED] during the period of February 1, 2013, through August 30, 2013.
3. The over-issuance was due to Department error.
4. On December 18, 2013, the Department sent notice of the over-issuance and a repayment agreement to Respondent/Respondent's Authorized Representative (AR).
5. On December 30, 2013, Respondent/Respondent's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's recoupment action.

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.

Additionally, the Respondent was a recipient of FAP. Due to Department error, the Respondent started [REDACTED]. She reported the employment to the Department within 10 days with her [REDACTED], but the income was still not counted. In addition, the Respondent started receiving [REDACTED]. The Respondent failed to report this income to the Department, but the Department has access to SOLQ. However, this unearned income was also not counted as part of her FAP budget. As a result, the Respondent received an over-issuance of \$ [REDACTED] that the Department is required to recoup. BAM 105, 220, 700, 705, 715, and 725. BEM 500, 501, and 503.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, the Administrative Law Judge concludes that Respondent did receive an over-issuance for FIP FAP SDA CDC benefits in the amount of \$ [REDACTED] that the Department is entitled to recoup.

DECISION AND ORDER

Accordingly, the Department's action seeking recoupment is: AFFIRMED.

Carmen G. Fahie

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

Date Signed: 5/16/14

Date Mailed: 5/16/14

NOTICE OF APPEAL: The Respondent 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 Respondent;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the Respondent 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

CGF/tb

cc:

