

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-014274
Issue No.: 3006
Case No.: [REDACTED]
Hearing Date: April 23, 2015
County: Calhoun

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

HEARING DECISION

Upon the request for a hearing by the Department of Health and Human Services (Department), this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, and in accordance with Titles 7, 42 and 45 of the Code of Federal Regulation (CFR), particularly 7 CFR 273.16 and 45 CFR 235.110; and with Mich Admin Code, R 400.3130 and 400.3178. After due notice, an in-person hearing was held on April 23, 2015, in Battle Creek, Michigan. The Department was represented by Recoupment Specialist [REDACTED]. Participants on behalf of Respondent included his friend and interpreter [REDACTED].

ISSUE

Did Respondent receive an overissuance of \$ [REDACTED] in Food Assistance Program (FAP) benefits and \$ [REDACTED] in Family Independence Program (FIP) 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 and FIP benefits from the Department.
2. Respondent signed Assistance Application (DHS-1171) on August 18, 2009, acknowledging that he received and reviewed a copy of the Information Packet. (Department Exhibits 76-90).
3. The Department alleges Respondent received a \$ [REDACTED] FAP overissuance during the period January 1, 2010, through July 31, 2010, and a \$ [REDACTED] FIP overissuance during the period of February 1, 2010, through July 31, 2010, due to Respondent's error.
4. The Department alleges that Respondent received a FAP overissuance of \$ [REDACTED] and a FIP overissuance of \$ [REDACTED] for a total of \$ [REDACTED] that is still due and owing to the Department.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), and Department of Health and Human Services Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The evidence shows Respondent worked at [REDACTED] [REDACTED] from November 25, 2009, through July 6, 2010. Claimant reported this income on his redetermination on July 6, 2010. Respondent testified that he worked with [REDACTED] [REDACTED] who got the job for him and they should have reported the income.

Respondent signed FAP/FIP application on August 18, 2009, indicating he had received and reviewed a copy of the assistance application Information Booklet explaining how to apply for and receive help covering the Programs, Things You Must Do, Important Things to Know, Repay Agreements, and Information About Your Household That Will Be Shared. This Administrative Law Judge finds Respondent was responsible for reporting the changes in his income to the Department and failed to do so.

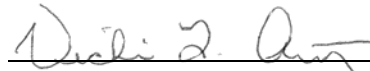
Respondent also stated that his wife's income should not have been budgeted because she stopped working when she had a baby. However, according to the evidence, the Department was never able to confirm Respondent's wife's income, and therefore it was never budgeted.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds the Department established Respondent received a FAP overissuance of \$ [REDACTED] and a FIP overissuance of \$ [REDACTED] totaling \$ [REDACTED].

DECISION AND ORDER

Accordingly, the Department is **AFFIRMED**.

The Department is **ORDERED** to initiate collection procedures for a \$7,130 overissuance in accordance with Department policy.



Vicki Armstrong
Administrative Law Judge
For Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/1/2015**

Date Mailed: **5/1/2015**

VLA/las

NOTICE OF APPEAL: The law provides that within 30 days of receipt of the above Hearing Decision, the Respondent may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

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:

