

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

IN THE MATTER OF:



Reg. No.: 14-015813
Issue No.: 3006
Case No.: [REDACTED]
Hearing Date: June 04, 2015
County: INGHAM

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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, a telephone hearing was held on June 4, 2015, from Lansing, Michigan. The Department was represented by Recoupment Specialist [REDACTED]. Participants on behalf of Respondent included himself. Department employee [REDACTED] served as the Arabic language interpreter.

ISSUE

Did Respondent receive a \$1,345 agency error over-issuance of Food Assistance Program benefits between September 1, 2013 and March 31, 2014?

Did Respondent receive a \$918 agency error over-issuance of Refugee Cash Assistance (RCA) benefits between September 1, 2013 and November 30, 2013?

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 an ongoing recipient of Food Assistance Program and Refugee Cash Assistance (RCA) benefits.
2. On July 3, 2013, Respondent reported that he began employment. The Department failed to include Respondent's reported income into his Food Assistance Program and Refugee Cash Assistance (RCA) financial eligibility budgets.
3. On October 10, 2014, the Department sent Respondent received a Notice of Over-Issuance (DHS-4358) for both programs.

4. On October 15, 2014, Respondent submitted a hearing request.

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 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.

Food Assistance Program

Review of the Food Assistance Program over-issuance budgets shows they are incorrectly calculated. Claimant reported his income correctly and any over-issuance was caused by agency error. The over-issuance calculations are based on the entire amount of Respondent's income and do not allow the 20% earned income deduction he would have been given if the Department had budgeted his reported income. Nothing in Department policy directs that a recipient be penalized for a mistake of the Department. The alleged Food Assistance Program over-issuance is not correct.

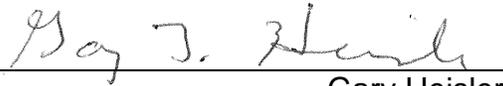
Refugee Cash Assistance (RCA)

The Department alleges that Claimant received an over-issuance of Refugee Cash Assistance (RCA) benefits. A review of Department policy was made in search of any authority or direction for determining and calculating Refugee Cash Assistance (RCA) over-issuances. The review including Bridges Administration Manual (BAM) 705 Agency Error Over-Issuances (2014), Bridges Eligibility Manual (BEM) 209 Cash Assistance General Requirements (2013) and Bridges Eligibility Manual (BEM) 215 RCA Group Composition (2013). No reference, authority, or direction was found to indicate recognition of a Refugee Cash Assistance (RCA) over-issuance.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did not establish a Food Assistance Program agency error over-issuance or Refugee Cash Assistance (RCA) agency error over-issuance supported by Department policy.

DECISION AND ORDER

Accordingly, this Department action is **NOT UPHELD**.



Gary Heisler
Administrative Law Judge
For Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/23/2015**

Date Mailed: **6/23/2015**

GFH / 

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:

