

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-002331
Issue No.: 3006
Case No.: [REDACTED]
Hearing Date: March 17, 2015
County: GENESEE-DISTRICT 6 (CLIO R

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the Claimant'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, a telephone hearing was held on March 17, 2015, from Lansing, Michigan. Participants on behalf of the Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Recoupment Specialist, [REDACTED].

ISSUE

Did Claimant receive an overissuance 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. The Claimant received benefits for Food Assistance Program (FAP).
2. The Department determined that the Claimant received a FAP overissuance in the amount of [REDACTED] during the period of April 1, 2014 to December 31, 2014.
3. The overissuance was due to client error.
4. On January 26, 2015, the Department sent notice of the overissuance and a repayment agreement to the Claimant.
5. On February 6, 2015, the Claimant 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 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.

In this case, the Claimant testified that she turned in all of her check stubs to her previous workers and many of the months listed, she was on sick leave and did not work at all. The Claimant first reported that she had earned income on November 24, 2014, for her redetermination. The evidence in the record establishes that the Claimant began working at Wendy's on January 14, 2014, the same day that she submitted an online application for FAP benefits. The Claimant also completed an application for State Emergency Relief (SER) benefits on March 5, 2014 and did not report her job at Wendy's. When asked, the Claimant replied that she did not know why she did not report her job or income on the March 5, 2014 SER application.

Additionally, Bridges Administrative Manual (BAM) 700 (2014) p. 1, provides that when a client group receives more benefits than it is entitled to receive, the Department must attempt to recoup the overissuance. In this case, the Administrative Law Judge concludes that the Claimant failed to report her job or her income from her job from January 14, 2014 until November 24, 2014. This fact was not contested during a hearing, but rather the Claimant simply testified that she did not know why she did not report her job or her income from her job. BAM 700 p. 6, provides that a client error occurs when the Claimant received more benefits than she was entitled to because the Claimant gave incorrect or incomplete information to the department. As such, the Administrative Law Judge concludes that the overissuance in this case was due to a client error.

BAM 715 (2014) pp. 4, 5, provides that the overissuance period begins the first month benefit issuance exceeds the amount allowed by policy or 72 months before the date it was referred to the recoupment specialist, whichever is later. To determine the first month of the overissuance period, time is to be allowed for the client reporting period, the full standard of promptness for change processing and the full negative action suspense period. The overissuance period ends the month before the benefit is corrected. A careful review of the record in this case reveals that the overissuance period has been correctly established as being from April 2014 until December 31 of 2014. The Administrative Law Judge is persuaded that the Claimant did receive an overissuance of FAP in the amount of \$3041 that the Department is entitled to recoup.

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 the Claimant did receive an overissuance of FAP 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**.



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/20/2015**

Date Mailed: **3/20/2015**

SEH/sw

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:

