

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 15-004348  
Issue No.: 3006  
Case No.: [REDACTED]  
Hearing Date: April 29, 2015  
County: Kent (1) (Franklin)

**ADMINISTRATIVE LAW JUDGE:** Darryl Johnson

**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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 29, 2015, from Lansing, Michigan. Participants on behalf of Respondent included Respondent. Participants on behalf of the Department of Health and Human Services (Department) included Recoupment Specialist [REDACTED].

**ISSUE**

Did the Department properly determine Respondent received an Overissuance (OI) of Food Assistance Program (FAP) benefits that is to be recouped?

**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 over-issuance (OI) during the period October 1, 2014, through December 31, 2014, due to Department 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 Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) 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-.3011.

In this case, Respondent was awarded benefits based upon having two minor children in the home. For the months at issue, he received benefits of \$ [REDACTED] each month. In [REDACTED], the children were removed from the home by Child Protective Services (CPS). The Department was made aware in [REDACTED] that the children had been removed, but the FAP budget was not updated. Eventually it was discovered that the budgets had not been updated and the Department recalculated the budgets for [REDACTED]. Those budgets, showing the amount that was issued based upon a group size of three, and the amount that should have been issued based upon a group size of one, are found in Exhibit A Pages 55-60. They are summarized at Exhibit A Page 62. He received an OI of \$ [REDACTED] in each of the three months, for a total OI of \$ [REDACTED].

As stated in BAM 700 (5/1/14) p 1, "When a client group receives more benefits than it is entitled to receive, DHS must attempt to recoup the overissuance."

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined an OI of \$ [REDACTED] and sought recoupment.

### **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

The Department is **ORDERED** to initiate collection procedures for a \$ [REDACTED] OI in accordance with Department policy.



**Darryl Johnson**

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

Date Signed: **4/30/2015**

Date Mailed: **4/30/2015**

DJ/jaf

**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 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 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:

