RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[redacted]

Date Mailed: May 27, 2016
MAHS Docket No.: 15-020543-RECON
Agency No.: [redacted]

SUPERVISING ADMINISTRATIVE LAW JUDGE-MANAGER: Jonathan W. Owens

DECISION AND ORDER OF RECONSIDERATION

This matter is before the undersigned Supervising Administrative Law Judge-Manager, pursuant to Petitioner's timely Request for Rehearing/Reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge at the conclusion of the hearing conducted on May 9, 2016, and mailed on May 17, 2016, in the above-captioned matter.

The Rehearing and Reconsideration process is governed by the Michigan Administrative Code, Rule 792.11015, *et seq.*, and applicable policy provisions articulated in the Bridges Administrative Manual (BAM), specifically BAM 600, which provide that a rehearing or reconsideration must be filed in a timely manner consistent with the statutory requirements of the particular program that is the basis for the client's benefits application, and **may** be granted so long as the reasons for which the request is made comply with the policy and statutory requirements.

This matter having been reviewed, an Order Granting Reconsideration was mailed on May 27, 2016.

ISSUE

1. Did the Administrative Law Judge (ALJ) issue a Decision and Order with a typographical or obvious error resulting in the wrong conclusion?

FINDINGS OF FACT

The undersigned Administrative Law Manager, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Findings of Fact, Nos. 1-10 under Registration No. 15-020543, are incorporated by reference.

2. On May 9, 2016, a hearing was held resulting in a Hearing Decision mailed on May 17, 2016.

3. On May 18, 2016, the Michigan Administrative Hearing System (MAHS) received the Petitioner's Request for Rehearing/Reconsideration.

4. On May 27, 2016, the Request for Rehearing/Reconsideration was granted.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Adult Services Manual (ASM), and 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-.3011.

In a request for reconsideration, the Petitioner asserted the Decision and Order issued on May 17, 2016, deserved reconsideration based upon a typographical error or an obvious error in the Decision and Order which led to the wrong conclusion. The request for reconsideration was granted.

Upon review of the hearing record, this Supervising Administrative Law Judge-Manager finds the Decision and Order at issue does have an obvious typographical error that did result in the wrong conclusion. The analysis in the Conclusions of Law conflict with final order issued.

Based upon the above, this Supervising Administrative Law Judge-Manager finds the Decision and Order must be reviewed and the obvious error corrected.

This Supervising Administrative Law Judge-Manager adopts and incorporates the Conclusions of Law found in the Decision and Order issued on May 17, 2016. The ALJ of record completed an analysis of the relevant issues. The ALJ's analysis contained necessary findings which concluded the Petitioner had not established that the Respondent intentionally withheld information regarding his felony convictions. Further, the ALJ concluded since the Petitioner had not established that the Respondent had intentionally withheld or misrepresented information for the purpose of maintaining Food Assistance Program benefits, the Respondent would not be subject to a disqualification. The ALJ did conclude that the Respondent did receive an over-issuance (OI) in FAP benefits in the amount of [redacted] based upon ineligibility for FAP benefits.

DECISION AND ORDER

Accordingly, the ALJ's Hearing Decision and Order issued on May 17, 2016, under MAHS Number 15-020543, is VACATED and this Supervising Administrative Law Judge-Manager finds, based upon the above Findings of Fact and Conclusions of Law, concludes that:

1. The Petitioner **has not** established by clear and convincing evidence that Respondent committed an IPV.

2. The Petitioner has not established a basis for a disqualification from FAP benefits based on an IPV.

3. Respondent did receive an OI of FAP benefits in the amount of [redacted].

The Department is ORDERED to initiate recoupment procedures for the amount of [redacted] in accordance with Department policy.

JO/tm

Jonathan W. Owens
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System.

DHHS

[redacted]

[redacted]

[redacted]

[redacted]