

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

IN THE MATTER OF:

██	MAHS Reg. No.:	16-000137
██	Issue No.:	3006
██	Hearing Date:	February 23, 2016
	██	██

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 February 23, 2016, from Lansing, Michigan. The Department was represented by ██████████ Regulation Agent of the Office of Inspector General (OIG). The Respondent was present and testified on her own behalf.

ISSUE

Did Respondent receive an OI of Food Assistance Program (FAP) benefits due to Department and Petitioner error?

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 OI during the period of April 1, 2015, through October 31, 2015, due to **Department's and Respondent's** error.
3. The Department alleges that Respondent received a ██████████ 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), 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.

Additionally, the Respondent was a recipient of FAP benefits from the Department. The Department alleges Respondent received a FAP OI during the period of April 1, 2015, through October 31, 2015, due to **Department's and Respondent's** error. The Department alleges that Respondent received a [REDACTED] OI that is still due and owing to the Department. BAM 105, 220, 700, 715, and 725. BEM 500 series.

During the hearing, the Department Caseworker stated that the Respondent was giving credit for a heat and utility expense instead of just for electric only. In addition, the Respondent's rent was only [REDACTED] but she was given credit for [REDACTED]. Her shelter verification was filled out incorrectly. The Respondent pays [REDACTED] for rent and [REDACTED] for electric heat. She was incorrectly given credit for a [REDACTED] shelter expense and a heat and utility expense instead of an electric only expense of [REDACTED]. The Respondent did call the Department to report that there was an error in her expenses. As a result, this will be recorded as a Department and Respondent error. The Department is entitled to recoup the OI through the Respondent's monthly FAP benefits.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department **did** establish a FAP benefit OI to Respondent totaling [REDACTED]

DECISION AND ORDER

Accordingly, the Department is **AFFIRMED**.



Carmen G. Fahie
Administrative Law Judge
For Nick Lyon, Director
Department of Health and Human Services

Date Mailed: 3/7/2016

CGF/ db

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

[REDACTED]