



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 6, 2016
MAHS Docket No.: 16-005345

[REDACTED]
[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 September 29, 2016, from Lansing, Michigan. Respondent did not appear.

The Department was represented by Recoupment Specialist [REDACTED]. [REDACTED] testified on behalf of the Department. The Department submitted 141 exhibits which were admitted into evidence.

This matter having been initiated by the Department and due notice having been provided to Respondent, the hearing was held in Respondent's absence in accordance with Department of Health and Human Services Bridges Administrative Manual (BAM) 725, pp 16-17 (10/1/2016).

ISSUE

Did Respondent receive an overissuance of Food Assistance Program benefits?

FINDINGS OF FACT

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

1. On October 1, 2010, Respondent applied for State Disability Assistance benefits listing her husband and son as being in the home. [Dept. Exh. 54-69].

2. The Food Assistance Program benefits were scheduled for review in December, 2010. The Department utilized Respondent's October 1, 2010 State Disability Assistance application in determining Respondent's continued eligibility for the Food Assistance Program. [Hearing Summary, Dept. Exh. 1].
3. On November 8, 2010, the Department issued Respondent a Notice of Case Action, approving Respondent for ongoing Food Assistance Program benefits of ██████████ a month, beginning December 1, 2010 through November 30, 2011. [Dept. Exh. 28-33].
4. On November 30, 2010, Respondent's husband applied for Medicaid and listed Respondent and Respondent's son as being in the home. [Dept. Exh. 38-53].
5. On May 4, 2012, Respondent submitted a Food Assistance Program application. On the application, Respondent indicated that she separated from her husband on May 1, 2012, when he moved out. [Dept. Exh. 70-93].
6. Respondent's Food Assistance Program benefit case was in a change reporter status when the review certification began on December 1, 2010. Based on a quarterly wage match, the Department found Respondent's husband was employed from April 13, 2011 through October 12, 2011. His first paycheck was received on April 20, 2011 and as a change reporter, Respondent had until April 30, 2011 to report his earnings. Respondent did not report her husband's earnings. [Hearing Summary, Dept. Exh. 1, 94-96].
7. On December 14, 2011, an overissuance referral was made to the Recoupment Specialist indicating that Respondent's husband had unreported earnings from ██████████ beginning April 13, 2011 through October 5, 2011. [Dept. Exh. 97].
8. The Department alleges Respondent received an overissuance of Food Assistance Program benefits during the period of June 1, 2011 through October 31, 2011, due to Respondent's failure to report her husband's income.
9. The Department alleges that Respondent received a ██████████ overissuance that is still due and owing to the Department.
10. On April 14, 2016, Respondent submitted a hearing request contesting the Department's computation of the overissuance, stating that she had not lived with her husband since 2010, when he moved out. [Dept. Exh. 5].

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.

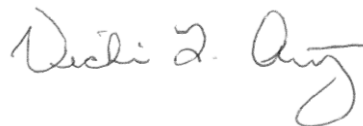
On April 14, 2016, Respondent submitted a hearing request contesting the [REDACTED] overissuance because she had not been with her husband since 2010, when he moved out. [Dept. Exh. 3]. However, on Respondent's May 4, 2012 Food Assistance Program application, Respondent indicated that she had been separated from her husband since May 1, 2012, when he moved out.

Respondent indicated on her October 1, 2010 State Disability Assistance application, that her husband was living with her. Then on November 30, 2010, Respondent's husband indicated he was living with Respondent on his Medicaid application. It was not until Respondent's May 4, 2012, Food Assistance Program application that Respondent informed the Department that her husband had moved out on May 1, 2012. As a result, the Department has established that Respondent's husband was living with Respondent during the fraud period of June 1, 2011 through October 31, 2011. Respondent's signature on the October 1, 2010 application indicates that she was aware of her responsibility to report changes in her household to the Department.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did establish a Food Assistance Program benefit overissuance to Respondent totaling [REDACTED]

DECISION AND ORDER

Accordingly, the Department is AFFIRMED. The Department is ORDERED to initiate collection procedures for a [REDACTED] overissuance in accordance with Department policy.



Vicki Armstrong

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 (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
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