



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 31, 2016
MAHS Docket No.: 16-012205

[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 October 6, 2016, from Lansing, Michigan.

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

Respondent did not appear at the hearing and it was held in Respondent's absence pursuant to 7 CFR 273.16(e), Mich Admin Code R 400.3130(5), or Mich Admin Code R 400.3178(5). The record was closed at the conclusion of the hearing.

ISSUE

Did Respondent receive an overissuance of Food Assistance Program (FAP) 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 February 14, 2011, Respondent submitted a Food Assistance Program application to the Department. Respondent listed her husband and two children for a group of 4. Respondent listed her employer as [REDACTED] and her husband's employer as [REDACTED]. [Dept. Exh. 78-97].

2. On February 28, 2011, the Department issued Respondent a Notice of Case Action informing Respondent she was approved for Food Assistance Program benefits of [REDACTED] a month beginning March 1, 2011 through January 31, 2012. The Notice informed Respondent that she was a [REDACTED] and only had to report changes at the next redetermination/semi-annual contact or when her household income exceeded [REDACTED] [Dept. Exh. 72-77].
3. On June 7, 2011, Respondent submitted her Semi-Annual Contact Report for her Food Assistance Program benefits. Respondent reported no changes in income. [Dept. Exh. 70-71].
4. On December 21, 2011, Respondent submitted her Redetermination for Food Assistance Program benefits. Respondent reported she was employed at [REDACTED] and her husband was employed at [REDACTED]. [Dept. Exh. 66-69].
5. On February 2, 2012, the Department issued Respondent a Notice of Case Action approving Respondent for Food Assistant Program benefits of [REDACTED] a month beginning February 1, 2012 through January 31, 2013. As a [REDACTED] Petitioner only had to report changes at the next redetermination/semi-annual contact or when her household income exceeded \$ [REDACTED]. [Dept. Exh. 59-64].
6. On December 30, 2013, the Department issued Respondent a Wage Match Client Notice indicating Respondent was employed at [REDACTED] and had started working for the company on January 16, 2012. [Dept. Exh. 45-48].
7. The Department alleges Respondent received a Food Assistance Program overissuance during the period of May 1, 2011 through July 31, 2012, due to the Respondent's error. [Hearing Summary].
8. The Department alleges that Respondent received a [REDACTED] overissuance that is still due and owing to the Department. [Hearing Summary].
9. On June 1, 2016, the Department received an income verification indicating Respondent was employed at [REDACTED] from November 19, 2008 through February 25, 2012. The income verification also indicated Respondent's husband was employed at [REDACTED] [REDACTED] [REDACTED] from October 10, 2010 through November 13, 2013. [Dept. Exh. 49-57].
10. On July 25, 2016, the Department issued a Notice of Overissuance to Petitioner informing her she had received an overissuance of [REDACTED] from May 1, 2011 through July 31, 2012. [Dept. Exh. 1-5].

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.

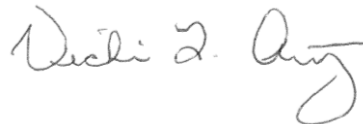
In this case, Respondent was a [REDACTED]. Pursuant to Department policy, a [REDACTED] must report any increase in income to the Department that exceeded the household limit of [REDACTED] a month in 2011 and [REDACTED] for a group size of 4 in 2012. A review of the record evidence revealed Respondent was employed at [REDACTED] beginning January 16, 2012. Respondent failed to report this employment on her initial February 14, 2011 Food Assistance Program application, or her subsequent June 7, 2011 Semi-Annual Contact Report or her Redetermination dated December 21, 2011. As a result, Respondent received a [REDACTED] overissuance from May 1, 2011 through July 31, 2012.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department established 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]

[REDACTED]