



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 7, 2016
MAHS Docket No.: 16-012417

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner'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 September 28, 2016, from Lansing, Michigan. The Petitioner was not present. The Department of Health and Human Services (Department) was represented by [REDACTED] Recoupment Specialist.

ISSUE

Did the Department properly determine that the Petitioner received an overissuance of Food Assistance Program (FAP) benefits that the Department is entitled to recoup?

FINDINGS OF FACT

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

1. The Petitioner was a recipient of FAP benefits. Department Exhibit 1, pg. 10.
2. On August 31, 2015, the Petitioner reported to her Department Caseworker during a redetermination interview that she would be returning to work with [REDACTED]. Department Exhibit 1, pgs. 4-9.
3. On September 15, 2015, the Petitioner called her Department Caseworker and reported that she had returned to work.
4. The Department failed to request verification of the Petitioner's employment income or enter the start of income in BRIDGES.

5. The Department determined that the Petitioner received a FAP overissuance in the amount of ██████ during the time period of December 1, 2015 through June 30, 2016. Department Exhibit 1, pgs. 11-27.
6. The overissuance was due to Department error.
7. On August 17, 2016, the Department sent the Petitioner a notice of the overissuance and a repayment agreement. Department Exhibit 1, pgs. 28-32.
8. On August 25, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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) [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 this case, the Petitioner was a recipient of FAP benefits. Department Exhibit 1, pg. 10. On August 31, 2015, the Petitioner reported to her Department Caseworker during a redetermination interview that she would be returning to work with ██████. Department Exhibit 1, pgs. 4-9. On September 15, 2015, the Petitioner called her Department Caseworker and reported that she had returned to work. The Department failed to request verification of the Petitioner's employment income or enter the start of income in BRIDGES. The Department determined that the Petitioner received a FAP overissuance in the amount of ██████ during the time period of December 1, 2015 through June 30, 2016. Department Exhibit 1, pgs. 11-27. The overissuance was due to Department error. On August 17, 2016, the Department sent the Petitioner a notice of the overissuance and a repayment agreement. Department Exhibit 1, pgs. 28-32. On August 25, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 105, 220, 700, 705, and 725. BEM 500 and 501.

During the hearing, the Recoupment Specialist stated that the Petitioner did report that she had went back to work, but that the Department Caseworker failed to act on the information. The Petitioner did spend the over issued FAP benefits. As a result, the Petitioner received an overissuance of FAP benefits that she wasn't entitled to of ██████

that the Department is required to recoup due to Department error for the contested time period of December 1, 2015 through June 30, 2016.

DECISION AND ORDER

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 that the Petitioner received an overissuance of FAP benefits in the amount of [REDACTED] for the contested time period of December 1, 2015 through June 30, 2016 that the Department is required to recoup.

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



Carmen G. Fahie

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]
[REDACTED] [REDACTED]