



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: January 19, 2017
MAHS Docket No.: 16-018472
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 January 12, 2017, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Recoupment Specialist [REDACTED] Assistance Payments Supervisor [REDACTED] [REDACTED] was present at the [REDACTED] County office to facilitate the telephone hearing.

ISSUE

Did Petitioner receive an over-issuance (OI) 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. Petitioner was a recipient of FAP benefits from the Department.
2. On March 1, 2016, Petitioner had applied for FAP (Exhibit A Pages 2-23) and reported that she had gone on maternity leave as of February 12, 2016.
3. The Department mailed a Notice of Case Action (Pages 24-29) informing Petitioner that she was approved for FAP, and instructing her that she needed to report any changes in her circumstances that might affect her eligibility, including changes in employment and income.

4. In a Wage Match Client Notice (Pages 30-56) the Department obtained information from Petitioner's employer, dated October 24, 2016, showing she had returned to work in May of 2016, but Petitioner had not reported that change in employment.
5. The Department alleges Petitioner received a FAP OI during the period July 1, 2016, through November 30, 2016, due to Petitioner's error.
6. The Department presented FAP budgets (Pages 57-66), which are summarized (Pages 67- 68) to calculate how much FAP Petitioner should have received during the months of July 2016 through November 2016, and compared it to how much she actually received.
7. The Department alleges that Petitioner received \$ [REDACTED] 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.

Petitioner applied for FAP on March 1, 2016, (Exhibit A Pages 23) when she reported that she had gone on maternity leave, and her household had no income (Page 5). She was awarded FAP of \$ [REDACTED] per month (Page 24). In October 2015, the Department received information that Petitioner had returned to work after she applied for FAP. Beginning May 23, 2016, (Page 32) she began receiving weekly paychecks from that employment. The Department had been unaware of that employment. Once the information was received, the Department prepared budgets (Pages 65-66) for each month in the OI period to determine how much she should have received. Those budgets are summarized (Pages 68-70) in a finding that she should have received just \$ [REDACTED] during the months of July 2016 through November 2016, instead of the \$ [REDACTED] that she received. The Department has established an OI of \$ [REDACTED]

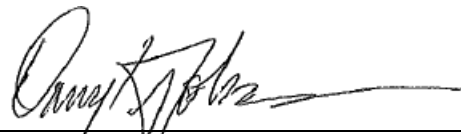
As stated in BAM 700 (5/1/14) p 1, "When a client group receives more benefits than it is entitled to receive, DHS must attempt to recoup the overissuance."

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department established a FAP benefit OI to Petitioner totaling \$ [REDACTED]

DECISION AND ORDER

Accordingly, the Department is **AFFIRMED**.

The Department is **ORDERED** to initiate collection procedures for a \$ [REDACTED] OI in accordance with Department policy.



DJ/mc

Darryl Johnson
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

DHHS

[REDACTED]

Petitioner

[REDACTED]