



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: January 30, 2017  
MAHS Docket No.: 16-018820

[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 Regulations, particularly 7 CFR 273.16 and 45 CFR 235.110, and with Mich Admin Code, R 400.3130 and R 400.3178. After due notice, a telephone hearing was held on January 24, 2017, from Lansing, Michigan. Respondent personally appeared and testified.

The Department was represented by Eligibility Specialist [REDACTED] and [REDACTED] of the Office of Inspector General (OIG). [REDACTED] testified on behalf of the Department. The Department submitted [REDACTED] exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

### **ISSUE**

Did Respondent receive an overissuance (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. Respondent was a recipient of FAP benefits from the Department.
2. On September 7, 2016, Respondent submitted a Redetermination indicating she had married in March, 2016. [Dept. Exh. 10-15].
3. The Department had no record of Respondent reporting her March, 2016 marriage to the Department before receiving the Redetermination. [Dept. Exh. 1].
4. As of October 14, 2016, Respondent's husband had been employed at [REDACTED] since February 4, 2013. [Dept. Exh. 17-18].
5. The Department alleges Respondent received a FAP OI during the period May 1, 2016, through September 30, 2016, due to Respondent's error of failing to timely report her marriage to the Department. [Dept. Exh. 1].
6. The Department alleges that Respondent received a [REDACTED] OI that is still due and owing to the Department. [Dept. Exh. 29].
7. On November 3, 2016, Respondent submitted a hearing request contesting the Department's actions. [Dept. Exh. 3].

### **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.

Departmental policy, BAM 700, Benefit Overissuances, states that when a client group receives more benefits than entitled to receive, the Department must attempt to recoup the overissuance. BAM 700, p 1 (1/1/2016). Repayment of an overissuance is the responsibility of anyone who was an eligible, disqualified, or other adult in the program group at the time the overissuance occurred. BAM 725, p 1 (10/1/2015). Bridges will collect from all adults who were a member of the case. *Id.*

On September 7, 2016, Respondent submitted a Redetermination informing the Department she had married in March, 2016. The Department had no record of Respondent informing the Department she had married, prior to receiving the Redetermination. The Department discovered that Respondent's husband was

employed and had been employed since February, 2013. The Department budgeted Respondent's husband's earned income for the months of March, 2016 through September, 2016.

In this case, Respondent failed to report her husband's earned income from [REDACTED]. As a result, Respondent's husband's earned income was not budgeted. Because Respondent failed to properly report her husband's earned income, Respondent received an overissuance of [REDACTED] for the period of May 1, 2016 through September 30, 2016.

Respondent testified that she had notified her worker before she got married, and continued calling her worker after she got married. She stated she never received a return call from her worker.

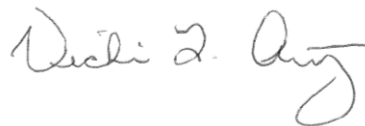
Respondent does not contest that she received the overissuance based on her husband's income. Respondent contends that she did her part in trying to notify the Department and that it is unfair at this point, to attempt to recoup the [REDACTED] from her, because she cannot afford it.

However, there is no indication Respondent had previously informed the Department of her marriage as evidenced by what Respondent wrote on the last page of the September, 2016 Redetermination, "I got married in March 2016 but nothing has changed besides bill/rent I pay half rent and still half of the bills. I still pay for my own food still don't have a job. But my name has changed to [REDACTED]. I still really need the help w/food stamps."

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**.



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**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]  
[REDACTED]  
[REDACTED] [REDACTED]