



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: March 3, 2017
MAHS Docket No.: 16-015651
Agency No.: [REDACTED]
Petitioner:
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 [REDACTED], from [REDACTED] Michigan. The Department was represented by [REDACTED], Eligibility Specialist.

Respondent submitted correspondence to the hearing office indicating that he did not wish to participate in the hearing as he did not believe it would make any difference. It appears from the correspondence that Respondent was attempting to withdraw from the hearing. However, because the hearing was requested by the Department, it can only be withdrawn by the Department. The Department did not submit a request to withdraw from hearing. This matter having been initiated by the Department and due notice having been provided to Respondent, the hearing was held in Respondent's absence.

ISSUE

Did Respondent receive an over-issuance (OI) of FAP benefits as a result of failing to timely report income to the Department?

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. The Department alleges Respondent received a FAP OI during the period [REDACTED] through [REDACTED] due to Respondent's error.
3. The Department requested a hearing on or about [REDACTED] and alleged that Respondent received an overissuance (OI) in the amount of \$ [REDACTED] 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.

The amount of the OI is the benefit amount the client actually received minus the amount the client was eligible to receive. BAM 715 (December 2011), p. 5. In this case, the Department alleged that the Respondent received an overissuance of FAP benefits from [REDACTED] through [REDACTED] in the amount of [REDACTED]. The Department testified that there were several sources of income not reported. The Department provided documentation to show that Respondent began receiving unearned income from the Social Security Administration in [REDACTED] and that his Living Together Partner (LTP) began receiving unearned income from the Social Security Administration in [REDACTED]. The Department further presented documentation to show that Respondent began working during the second quarter of [REDACTED] and continued to do so at least until the third quarter of [REDACTED]. Additionally, the Department presented documentation to show that Respondent's LTP began working during the second quarter of [REDACTED] and continued to do so at least until the second quarter of [REDACTED].

The Department testified that Respondent failed to report his earnings. In support of its contention that Respondent failed to report household income, the Department provided the following documentation:

1. Application dated [REDACTED] in which Respondent acknowledged his rights and responsibilities to report changes to the Department within 10 days and only listed the unearned income of his LTP;
2. Mid-Certification Contact Notice dated [REDACTED] in which Respondent reported no changes in household income and

3. Redetermination dated [REDACTED] in which Respondent reported his unearned income, the unearned income of his LTP and his earned income which appears to have begun in [REDACTED].

The Department noted that on [REDACTED] Mid-Certification Contact Notice, Respondent failed to report his receipt of unearned income and the earned income of his LTP. The Department has alleged that Respondent was issued [REDACTED] in FAP benefits during the overissuance period. Because Respondent reported the correct household income in [REDACTED], the Department only requested an overissuance through [REDACTED], the time it would have been allowed to process the [REDACTED] change in circumstance. The Department submitted budgets which revealed that Respondent would have been entitled to [REDACTED] in FAP benefits if the earned income had been reported timely.

Respondent failed to appear and therefore failed to provide any evidence that the income was reported timely. Accordingly, the Department has established that an overissuance occurred in the amount of [REDACTED] and it is therefore entitled to recoup that amount for FAP benefits it issued to Respondent during the overissuance period.

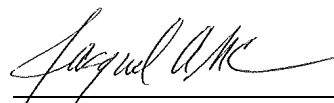
DECISION AND ORDER

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]

Accordingly, the Department is **AFFIRMED**.

The Department is **ORDERED** to initiate collection procedures for an overissuance in the amount of [REDACTED] in accordance with Department policy.

JM/



Jacquelyn A. McClinton

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]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Respondent

[REDACTED]
[REDACTED]
[REDACTED]