



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: May 3, 2017
MAHS Docket No.: 17-002826
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 Detroit, Michigan. The Department was represented by [REDACTED], Recoupment Specialist.

Respondent did not appear. 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 in the amount of [REDACTED] for the period of [REDACTED] through [REDACTED]

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 [REDACTED] [REDACTED] and alleged that Respondent 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.

The amount of the OI is the benefit amount the client actually received minus the amount the client was eligible to receive. BAM 715 (May 2014), p. 6. In this case, the Department alleged that the Respondent received an overissuance from [REDACTED], through [REDACTED]. The Department provided documentation to show that Respondent received RSDI in the amount of [REDACTED] from [REDACTED] through [REDACTED] and received [REDACTED] in RSDI income in [REDACTED]. The Department further provided documentation to show that Respondent became employed on [REDACTED] [REDACTED] [REDACTED] and continued that employment throughout the overissuance period.

The Department testified that Respondent failed to report her earnings. In support of its contention that Respondent failed to report her earnings, the Department provided an application submitted by Department on [REDACTED]. Although the application was submitted prior to the date Respondent began receiving income, the Department testified that the application informed Respondent of his reporting requirements. The Department also presented a Notice of Case Action dated [REDACTED], which informed Respondent that it was not budgeting any income. The [REDACTED], Notice of Case Action also instructed Respondent to report any changes in employment and/or income to the Department within 10 days.

The Department submitted budgets which revealed that Respondent was issued [REDACTED] during the overissuance period but would have been entitled to [REDACTED] in FAP benefits if the income had been reported timely. Respondent failed to appear at the hearing. As such, Respondent failed to provide any evidence to show that he timely reported his income to the Department. Therefore, 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] from [REDACTED], through [REDACTED]

Accordingly, the Department is **AFFIRMED**.

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

JM/hw



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]

Respondent

[REDACTED]
[REDACTED]
[REDACTED]