



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: [REDACTED] June 27, 2017
MAHS Docket No.: 17-004723
Agency No.: [REDACTED]
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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], Hearing Coordinator; and [REDACTED], Recoupment Specialist. Respondent was represented by himself.

ISSUE

Did Respondent receive an over-issuance (OI) of Food Assistance Program (FAP) benefits due to Client error?

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, which required him to report changes in earned income. Department Exhibit 1, pgs. 27-54.
2. The Department alleges Respondent received a FAP OI during the period [REDACTED], through [REDACTED], due to Respondent's error. Department Exhibit 1, pgs. 27-54.

3. The Department alleges that Respondent received an OI of \$ [REDACTED] that is still due and owing to the Department. Department Exhibit 1, pgs. 8-22.

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.

Additionally, Respondent was a recipient of FAP benefits from the Department, which required him to report changes in earned income. Department Exhibit 1, pgs. 27-54. The Department alleges Respondent received an OI of FAP benefits during the period [REDACTED], through [REDACTED], due to Respondent's error. Department Exhibit 1, pgs. 27-54. The Department alleges that Respondent received an OI of \$ [REDACTED] that is still due and owing to the Department. Department Exhibit 1, pgs. 8-22. BAM 105, 220, 715, and 725. BEM 550, 554, and 556.

During the hearing, the Recoupment Specialist testified that Respondent had failed to report earned income from employment at Flexible Staffing, where he received his first check on [REDACTED]. Department Exhibit 1, pgs. 23-25. He did not report the employment income to the Department until [REDACTED]. Department Exhibit 1, pg. 26. As a result, Respondent received an OI of \$ [REDACTED] in FAP benefits.

Respondent stated that he did not spend all of the FAP benefits that he had been awarded. The Recoupment Specialist looked on BRIDGES and noted that the Petitioner still had \$ [REDACTED] left on his FAP EBT card. Respondent agreed to sign papers to have the money on the card applied to his overissuance. The Department will redetermine the OI based on that payment, once applied.

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 of the Respondent totaling \$ [REDACTED].

DECISION AND ORDER

Accordingly, the Department is **AFFIRMED**.

The Department is ORDERED to initiate collection procedures for an OI of \$ [REDACTED] in FAP benefits in accordance with Department policy.

CF/bb



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

DHHS

[REDACTED]

Petitioner

[REDACTED]