



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: June 29, 2017
MAHS Docket No.: 17-005873
Agency No.: [REDACTED]
Petitioner: OIG
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 May 24, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Recoupment Specialist [REDACTED]

ISSUE

Did Petitioner receive a \$ [REDACTED] Agency Error over-issuance of Food Assistance Program benefits from March 1, 2010 to October 31, 2010?

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 Food Assistance Program benefits from the Department from March 1, 2010 to October 31, 2010.
2. March 1, 2010 to October 31, 2010 has been properly determined as the over-issuance period caused by this Agency Error over-issuance.
3. Due to the Department not including Petitioner's reported, earned income in her Food Assistance Program (FAP) financial eligibility budget, she received a \$ [REDACTED] over-issuance of Food Assistance Program benefits during the over-issuance period.

4. On September 26, 2013, Petitioner was sent a Notice of Over-Issuance packet which stated she had received an Agency Error over-issuance of Child Development and Care (CDC) benefits in the amount of \$ [REDACTED] and Food Assistance Program (FAP) benefits in the amount of \$ [REDACTED]
5. On November 8, 2013, Petitioner submitted a hearing request regarding the over-issuances.
6. On November 14, 2013, the Department submitted a debt collection hearing packet to MAHS. It contained two separate packets, one each for the CDC over-issuance and FAP over-issuance.
7. A hearing was conducted on the CDC over-issuance and a Decision and Order was issued under Michigan Administrative Hearing System (MAHS) docket number 2014-12884. The order only addressed the Child Development and Care (CDC) over-issuance.
8. On May 12, 2017, Petitioner was sent notice for this hearing, regarding the unaddressed Food Assistance Program (FAP) Agency Error over-issuance.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of 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 .3011.

Bridges Administration Manual (BAM) 725 Collection Actions states that when the client group or CDC provider receives more benefits than entitled to receive, DHS must attempt to recoup the over-issuance. Additionally, anyone who was an eligible, disqualified, or other adult in the program group at the time the over-issuance occurred is responsible for repayment of the over-issuance.

DHHS requests a debt collection hearing when the grantee of an inactive program requests a hearing after receiving the DHS-4358B, Agency and Client Error Information and Repayment Agreement. Active recipients are afforded their hearing rights automatically, but DHHS must request hearings when the program is inactive.

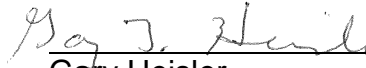
In this case Petitioner does not dispute the Food Assistance Program (FAP) Agency Error over-issuance of \$ [REDACTED]

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, finds that the Department did establish that Petitioner received a \$ [REDACTED] Agency Error over-issuance of Food Assistance Program.

DECISION AND ORDER

Accordingly, the Department's decision is **UPHELD**.

GH/nr



Gary Heisler
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]

Respondent

[REDACTED]