



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: October 4, 2017  
MAHS Docket No.: 17-011301  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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. After due notice, telephone hearing was held on September 27, 2017, from [REDACTED] Michigan. The Petitioner represented herself. The Department was represented by [REDACTED] [REDACTED] Recoupment Specialist.

**ISSUE**

Did the Department of Health and Human Services (Department) properly determined that Petitioner received an overissuance of Food Assistance Program (FAP) benefits that must be recouped?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On October 26, 2014, the Department received Petitioner's application for Food Assistance Program (FAP) benefits. Exhibit A, pp 38-49.
2. Petitioner received Food Assistance Program (FAP) benefits totaling \$ [REDACTED] in October of 2015. Exhibit A, p 7.
3. Petitioner received earned income totaling \$ [REDACTED] in October of 2015. Exhibit A, pp 29-31.
4. A member of Petitioner's benefit group received earned income totaling \$ [REDACTED] in October of 2015. Exhibit A, pp 21-26.
5. On August 14, 2017, the Department sent Petitioner a Notice of Overissuance (DHS-4358-A) informing her that she had received a \$ [REDACTED] overissuance of Food

Assistance Program (FAP) benefits from October 1, 2015, through October 31, 2015. Exhibit A, pp 1-5.

6. On August 30, 2017, the Department received Petitioner's request for a hearing protesting the recoupment of Food Assistance Program (FAP) benefits.

### **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), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

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-.3011.

When a client group receives more benefits than it is entitled to receive, the Department must attempt to recoup the overissuance. Department of Human Services Bridges Administrative Manual (BAM) 700 (October 1, 2016), p 1.

Petitioner received FAP benefits as a group of six totaling \$ [REDACTED] in October of 2015. Petitioner received earned income in the gross monthly amount of \$ [REDACTED] in October of 2015. A member of Petitioner's benefit group received earned income in the gross monthly amount of \$ [REDACTED] in October of 2015.

Petitioner had failed to report to the Department that the gross earnings of her household had exceeded the \$ [REDACTED] limit for their group of six to remain eligible for FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2015), p 1.

Therefore, Petitioner was not eligible for any of the FAP benefits she received from October 1, 2015, through October 31, 2015, and she received a \$ [REDACTED] overissuance of FAP benefits.

Petitioner testified that she reported and verified the earned income received by her household to the Department. Petitioner testified that there is another person receiving public benefits with the same name as her, and her verification documents must have been placed in that person's file.

Petitioner failed to present any evidence on the record that she reported her household earnings to the Department.

Furthermore, even if Petitioner had reported her earnings to the Department in a timely manner, her monthly allotment of FAP benefits was not based on the benefit group's actual income during October of 2015. Petitioner was not eligible for the FAP benefits she received in that month and she did receive an overissuance of FAP benefits. The Department is required to recoup overissuances of FAP benefits by BAM 700.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined that Petitioner received a \$ [REDACTED] overissuance of Food Assistance Program (FAP) benefits that the Department is required to recoup.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
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]

**Petitioner**

[REDACTED]