



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 9, 2017
MAHS Docket No.: 17-010853
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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; 42 CFR 438.400 to 438.424; 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 October 4, 2017, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Hearing Liason, and Michelle Silas, Overpayment Specialist.

ISSUE

Did Petitioner receive an overissuance of Food Assistance Program (FAP) benefits that the Department is entitled to recoup?

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 is an ongoing FAP recipient.
2. Petitioner was previously a member of a FAP group of four that consisted of herself and her three minor children.
3. On May 4, 2017, Petitioner's children were removed from her custody.
4. In July 2017, Petitioner was issued benefits in the amount of \$649 based on a group size of four (Exhibit B).

5. On August 8, 2017, the Department sent Petitioner a Notice of Overissuance which stated she had been overissued benefits in the amount of \$455 for the period of July 1, 2017, through July 31, 2017.
6. On August 16, 2017, Petitioner submitted a request for hearing disputing the Department's action.

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.

In this case, the Department determined Petitioner received an overissuance of FAP benefits during July 2017. Petitioner had previously been a member of a four-person FAP group that consisted of herself and her three minor children. On May 4, 2017, Petitioner's children were removed from her custody and were no longer living in her home. Petitioner confirmed the children were removed from her care on that date. Petitioner did not inform the Department of the removal, and she was issued benefits for July 2017 in the amount of \$649 based on a four-person FAP group. The Department determined Petitioner was only entitled to \$194 in FAP benefits during July 2017, and she was overissued \$455 in benefits.

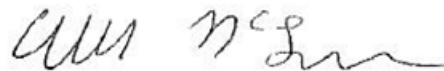
When a client group receives more benefits that it is entitled to receive, the Department must attempt to recoup the overissuance. BAM 700 (October 2016), p. 1. In support of its contention that Petitioner was overissued benefits, the Department presented Petitioner's Benefit Summary showing she was issued \$649 in FAP benefits for the period of July 1, 2017, through July 31, 2017 (Exhibit B). The Department also presented an overissuance budget showing the amount of benefits Petitioner should have received based on the correct group size of one.

Petitioner did not have any income, and therefore, she was entitled to receive \$194 in FAP benefits based on a group size of one. Therefore, the Department properly determined Petitioner was overissued benefits in the amount of \$455 (the amount of benefits Petitioner received subtracted by the amount of benefits Petitioner should have received).

DECISION AND ORDER

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 Petitioner was overissued benefits in the amount of \$455 during July 2017.

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



EM/jaf

Ellen McLemore

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

MDHHS-Wayne-41-Hearings

Petitioner



BSC4
M Holden
D Sweeney