



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: March 27, 2018  
MAHS Docket No.: 18-001358  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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 March 14, 2018, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Overpayment Specialist.

**ISSUE**

Did Petitioner receive an over-issuance (OI) of Food Assistance Program (FAP) benefits in the amount of [REDACTED] for the period of August 1, 2017 through November 30, 2017?

**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 FAP benefits from the Department.
2. Petitioner submitted an application on May 16, 2017.
3. At the time of the application, Petitioner was not working due to a medical leave of absence.
4. Petitioner returned to work in approximately June 2017.
5. Petitioner did not timely report his employment to his assigned case worker.

6. On December 18, 2017, the Department sent Petitioner a Notice of Overissuance which notified Petitioner that she had been overissued FAP benefits in the amount of [REDACTED].
7. On February 2, 2018, Petitioner filed a Request for Hearing disputing the Department's actions.

### **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.

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 July 1, 2016 through September 30, 2016. The Department provided documentation to show that Respondent received his first paycheck from [REDACTED] on May 27, 2016. The employment information revealed that Petitioner received his last paycheck from this company on September 2, 2016.

On December 18, 2017, the Department sent Petitioner a Notice of Overissuance which indicated that he had been overissued FAP benefits in the amount of [REDACTED]. Petitioner testified that he turned in paperwork to his employer and believed that his employer would report the information to his case worker given that both worked for the Department. Petitioner's employer did not forward any documents to Petitioner's assigned case worker and as a result, Petitioner's worker was unaware that he had returned to work.

On October 23, 2017, the Department received information that Petitioner had begun receiving earnings. On that same day, the Department sent Petitioner a Wage Match Client Notice, which Petitioner provided to his employer. Petitioner's employer sent the Department earnings information which included Petitioner's paystubs.

The Department submitted budgets which revealed that Petitioner was issued [REDACTED] during the overissuance period but would have been entitled to [REDACTED] in FAP benefits if the income had been reported to Petitioner's assigned worker timely.

Petitioner argued that he attempted to contact his worker by telephone and in person but acknowledged that he never talked to his worker to report his return to work. On May 16, 2017, the Department sent Petitioner a Notice of Case Action which notified Petitioner that he had been approved for benefits beginning May 16, 2017. A Change Report was included with the Notice of Case Action. The purpose of the Change Report was to allow Petitioner to complete the document if his circumstances changed. Petitioner acknowledged that he did not complete the Change Report and provide it to his assigned worker. Instead, Petitioner testified he gave the Change Report to his worker.

There is no dispute that Petitioner received earnings between August 2017 and November 2017. Further, the evidence revealed that Petitioner's assigned case worker was unaware of the earnings until approximately December 2017. Therefore, Petitioner's earnings were not used in determining his eligibility for FAP benefits which caused Petitioner to receive more benefits than he was entitled. As such, it has been found that 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 Petitioner 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 Petitioner totaling [REDACTED] from August 1, 2017 through November 30, 2017.

Accordingly, the Department is **AFFIRMED**.

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

JAM/tlf



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**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

**Via Email:**



**Petitioner – Via First-Class Mail:**

