



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
MI [REDACTED]

Date Mailed: July 3, 2018  
MAHS Docket No.: 18-005408  
Agency No.: [REDACTED]  
Respondent: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Vicki Armstrong**

**HEARING DECISION**

Following Respondent'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 June 28, 2018, from Lansing, Michigan. Respondent personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Recoupment Specialist Kalimah Tanzil and Eligibility Specialist Brad Reno. Ms. Tanzil testified on behalf of the Department. The Department submitted 95 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

**ISSUE**

Did Respondent receive an overissuance (OI) of Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. Respondent was a recipient of FAP benefits from the Department. [Hearing Summary].
2. On July 7, 2015, Respondent submitted a redetermination indicating her household income had not changed from her original FAP budget of \$755.00 a month. [Dept. Exh. 54-55].

3. As of October 14, 2016, Respondent's husband had been employed at [REDACTED] since October 2014. [Dept. Exh. 16-45; 49-52].
4. The Department alleges Respondent received a FAP OI during the period of December 1, 2014, through February 28, 2016, due to Respondent's error of failing to timely report her husband's income. [Dept. Exh. 1].
5. The Department alleges that Respondent received an \$8,260.00 OI that is still due and owing to the Department. [Dept. Exh. 5, 14].
6. On May 31, 2018, Respondent submitted a hearing request contesting the Department's actions. [Dept. Exh. 3].
7. During the hearing in the above-captioned matter, Respondent did not dispute the overissuance and asked how payments worked. [Testimony of [REDACTED]].

### **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.

Departmental policy, BAM 700, Benefit Overissuances, states that when a client group receives more benefits than entitled to receive, the Department must attempt to recoup the overissuance. BAM 700, p 1 (1/1/2016). Repayment of an overissuance is the responsibility of anyone who was an eligible, disqualified, or other adult in the program group at the time the overissuance occurred. BAM 725, p 1 (10/1/2015). Bridges will collect from all adults who were a member of the case. *Id.*

On July 7, 2015, Respondent submitted a redetermination indicating her household income had not changed from the original FAP budget of \$755.00 a month. The Department discovered that Respondent's husband was employed and had been employed since October 2014. Respondent had failed to report her husband's earned income from [REDACTED]. As a result, Respondent's husband's earned income was not budgeted.

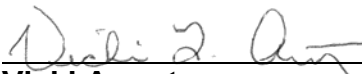
Respondent does not contest that she received the overissuance based on failing to report her husband's income.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did establish an FAP benefit OI to Respondent totaling \$8,260.00.

**DECISION AND ORDER**

Accordingly, the Department is **AFFIRMED**.

VLA/hb



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**Vicki Armstrong**  
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) 763-0155; 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**

Lindsay Miller  
125 E. Union St 7th Floor  
Flint, MI 48502

Genesee County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

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235 S Grand Ave  
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**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]