



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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

Date Mailed: August 20, 2018  
MAHS Docket No.: 18-006304  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**HEARING DECISION**

Upon the request for a hearing by the Department of Health and Human Services (Department), this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, and in accordance with Titles 7, 42 and 45 of the Code of Federal Regulation (CFR), particularly 7 CFR 273.16, 42 CFR 431.230(b), and 45 CFR 235.110, and with Mich Admin Code, R 400.3130 and 400.3178. After due notice, a telephone hearing was held on August 9, 2018, from Lansing, Michigan. The Department was represented by Alberta Kelly, Recoupment Specialist. Respondent was represented by herself.

**ISSUE**

Did the Department properly determine that Respondent had received an overissuance (OI) of Food Assistance Program (FAP) benefits due to Respondent and Department error?

**FINDINGS OF FACT**

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

1. Respondent was a recipient of FAP benefits from the Department. Department Exhibit 1, pgs. 24-25.
2. Respondent failed to report that her [REDACTED] year old daughter was working at [REDACTED] with a start date of July 26, 2017, within 10 days as required by Department policy. Department Exhibit 1, pgs. 9-13.

3. On June 13, 2018, the Department became aware that Respondent had received an overissuance of FAP benefit because she had not reported her daughter's earned income. Department Exhibit 1, pg. 63.
4. The Department alleges that Respondent received an FAP overissuance during the period of October 1, 2017, through May 31, 2017, due to Respondent's error. Department Exhibit 1, pgs. 26-42.
5. The Department alleges that Respondent received a \$299 FAP OI due Respondent's error that is still due and owing to the Department. Department Exhibit 1, pgs. 26-42.
6. On June 26, 2018, the Department received a hearing request from Respondent, contesting the Department's negative 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.

Additionally, Respondent reported during the hearing that she did not report that her daughter was working because she did not know. In addition, her daughter was not giving her any money from her employment. However, Petitioner's daughter's earned income from employment is counted as part of the household income. Petitioner is required to report earned income within 10 days so that the Department can determine continued FAP eligibility.

On June 13, 2018, the Department became aware that Respondent had received an overissuance of FAP benefits because she had not reported her daughter's earned income. Department Exhibit 1, pg. 63. The Department alleges that Respondent received an FAP overissuance during the period of October 1, 2017, through May 31, 2017, due to Respondent's error. Department Exhibit 1, pgs. 26-42. The Department alleges that Respondent received a \$299 FAP OI due to Respondent's error which is still due and owing to the Department. Department Exhibit 1, pgs. 26-42. BAM 105, 220, and 715. BEM 212, 500, 550, 554, and 556.


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 Respondent totaling \$299.

**DECISION AND ORDER**

Accordingly, the Department is **AFFIRMED**.

The Department is **ORDERED** to initiate collection procedures for a \$299 FAP OI in accordance with Department policy.

CF/dh



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**Carmen G. Fahie**

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**

Barbara Hamilton  
1040 South Winter Street  
Ste. 3013  
Adrian, MI 49221

Lenawee County, DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**DHHS Department Rep.**

MDHHS-Recoupment  
235 S Grand Ave  
Suite 1011  
Lansing, MI 48909

**Petitioner**

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