



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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

Date Mailed: November 20, 2018
MAHS Docket No.: 18-010550
Agency No.: [REDACTED]
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 November 13, 2018, from Lansing, Michigan. Respondent was represented by herself. The Department of Health and Human Services (Department) was represented by Minnie Egbonu, Recoupment Specialist.

ISSUE

Did the Department properly determine that Respondent received an overissuance of Food Assistance Program (FAP) benefits due to Agency 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 where she reported Social Security RSDI income and a monthly annuity income on her [REDACTED] 2015 Department application. Department Exhibit 1, pgs. 39-62.
2. On September 28, 2018, an overissuance referral was received on Respondent that the Department failed to budget Respondent's monthly annuity income. Department Exhibit 1, pgs. 10, 63-66.

3. The Department alleges Respondent received a FAP OI during the period December 1, 2016, through November 30, 2017, due to Agency error. Department Exhibit 1, pgs. 11-38.
4. The Department alleges that Respondent received a \$ [REDACTED] OI that is still due and owing to the Department. Department Exhibit 1, pgs. 11-38.
5. On October 1, 2018, the Department sent Respondent a notice that she had received an overissuance of FAP benefits due to Agency error. Department Exhibit 1, pgs. 4-9.
6. On October 8, 2018, the Department received a hearing request from Respondent, contesting the Department overissuance decision.

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, Respondent was a recipient of FAP benefits where she reported Social Security RSDI income and a monthly annuity income on her December 9, 2015, Department application. Department Exhibit 1, pg. 39-62. On September 28, 2018, an overissuance referral was received on Respondent that the Department failed to budget Respondent's monthly annuity income. Department Exhibit 1, pg. 10, 63-66. The Department alleges Respondent received a FAP OI during the period December 1, 2016, through November 30, 2017, due to Agency error. Department Exhibit 1, pgs. 11-38. The Department alleges that Respondent received a \$ [REDACTED] OI that is still due and owing to the Department. Department Exhibit 1, pgs. 11-38. As a result, Respondent received an overissuance of FAP benefits that the Department is required to recoup. BAM 700, 705, and 725. BEM 503.

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 that Respondent had received

an overissuance FAP benefits of \$ [REDACTED] from December 1, 2016 through November 30, 2017, that the Department is required to recoup through Agency error.

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

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

CF/hb



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 Department Rep.

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

DHHS

Richard Latimore
4733 Conner
Detroit, MI 48215

Wayne County (District 57), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Respondent

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