



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
OH [REDACTED]

Date Mailed: December 13, 2019  
MOAHR Docket No.: 19-011830  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 3-way telephone hearing was held on December 5, 2019, from Lansing, Michigan. The Department was represented by Minnie Egbunu, Recoupment Specialist. The Respondent was represented by herself. Department Exhibit 1, pp. 1-377 was received and admitted.

### **ISSUE**

Did Respondent receive an over-issuance (OI) of Food Assistance Program (FAP) and Family Independence Program (FAP) benefits?

### **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 FIP and FAP benefits from the Department.
2. The Department alleges Respondent received a FAP OI during the period October 1, 2017, through February 28, 2018, due to Respondent's error.
3. The Department alleges Respondent received a FIP OI during the period April 1, 2018, through May 31, 2018, due to Respondent's error.
4. The Department alleges that Respondent received \$8,423 OI that is still due and owing to the Department.

5. Respondent failed to report income from Phoenix Staffing and Manpower during the fraud period.
6. Respondent failed to report that she moved to the State of Ohio during the fraud period.
7. Respondent failed to report that her son, [REDACTED] [REDACTED] was no longer in the household during the fraud period.
8. On [REDACTED] [REDACTED] [REDACTED] Petitioner requested hearing disputing the finding of overissuance.

### 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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.

An overissuance is the amount of benefits issued to the client group or CDC provider in excess of what it was eligible to receive. For FAP benefits, an overissuance is also the amount of benefits trafficked (stolen, traded, bought or sold) or attempted to be trafficked. **Overissuance type** identifies the cause of an overissuance. BAM 700

Additionally, the Department provided sufficient evidence to establish that Respondent received an overissuance of FIP and FAP benefits because she failed to report employment income, that her son was no longer in the household and that she moved to the State of Ohio. BAM 700 The Department provided employment records, school records and documents from the State of Ohio confirming the basis of the overissuance.

Respondent testified that her son was living with her fifty percent of the time during the fraud period. Respondent testified that she did report employment income. Respondent questioned the date the Department found that she was residing in Ohio. Respondent's

testimony was not credible, and she failed to present sufficient evidence to support her testimony.


The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department **did** establish a FIP and FAP benefit OI to Respondent totaling \$8,423 due to client error.

**DECISION AND ORDER**

Accordingly, the Department is AFFIRMED.

The Department is ORDERED to initiate collection procedures for a \$8,423 OI in accordance with Department policy.

AM/nr

  
\_\_\_\_\_  
Aaron McClintic  
Administrative Law Judge  
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Denise McCoggle  
27260 Plymouth Rd  
Redford, MI  
48239

Wayne 15 County DHHS- via electronic  
mail

OIG Hearings- via electronic mail

L. Bengel- via electronic mail

**DHHS Department Rep.**

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

**Petitioner**

[REDACTED] - via first class mail  
[REDACTED]  
[REDACTED], OH  
[REDACTED]