



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 14, 2018
MAHS Docket No.: 18-008145
Agency No.: [REDACTED]
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 September 6, 2018, from Lansing, Michigan. Respondent was represented by herself. The Department of Health and Human Services (Department) was represented by Denise Beard, Recoupment Specialist.

ISSUE

Did the Department properly determine that Respondent received an overissuance of FAP benefits due to Respondent 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 with a duty to report within 10 days the receipt of the first paycheck of employment to the Department as required by policy. Department Exhibit 1, pg. 11-17.
2. On May 19, 2017, an overissuance referral was received on Respondent that she failed to report earned income from [REDACTED] from September of 2015 through May of 2016. Department Exhibit 1, pg. 9.

3. The Department alleges Respondent received an FAP OI during the period October 1, 2015, through November 30, 2015, due to Client error. Department Exhibit 1, pgs. 25-33.
4. The Department alleges that Respondent received a \$356.00 OI that is still due and owing to the Department. Department Exhibit 1, pgs. 29-33.
5. On July 11, 2018, the Department sent Respondent a notice that she had received an overissuance of FAP benefits due to Respondent error. Department Exhibit 1, pgs. 34-38.
6. On August 17, 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 failed to report that she went back to work at [REDACTED]. On May 15, 2015, Respondent did submit written verification of work stoppage from June 12, 2015, until September 8, 2015. Department Exhibit 1, pg. 10. However, she failed to report when she received her first check on August 21, 2015, within 10 days to the Department as required by policy. Department Exhibit 1, pg. 22. She did not report her earned income until her Semi-Annual Contact Report, DHS 1046, submitted to the Department on October 28, 2015. Department Exhibit 1, pgs. 25-28. As a result, Respondent received an overissuance of FAP benefits that the Department is required to recoup. BAM 105, 700, and 715. BEM 501.

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 \$356.00 from October 1, 2015, through November 30, 2015, that the Department is required to recoup through client error.

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

The Department is ORDERED to initiate collection procedures for a \$356.00 OI in accordance with Department policy.

CF/dh



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

Jeanenne Broadnax
25637 Ecorse Rd.
Taylor, MI 48180

Wayne County (District 18), 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

Respondent

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