



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 6, 2020
MOAHR Docket No.: 20-003879
Agency No.: [REDACTED]
Respondent: [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 July 9, 2020, from Lansing, Michigan. The Department was represented by Dawn McKay, Recoupment Specialist. Respondent was represented by herself.

ISSUE

Did Respondent receive an over-issuance (OI) of Food Assistance 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 FAP benefits from the Department.
2. Respondent underwent a redetermination of FAP benefits where she was recertified from August 1, 2019, through July 31, 2020.
3. The Department alleges Respondent received a Family Independence Program (FIP) OI during the period September 1, 2019, through February 29, 2020, due to **Respondent's** error.
4. The Department alleges that Respondent received \$2,718 OI that is still due and owing to the Department.

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.

Additionally, Respondent was a recipient of FAP benefits from the Department. She underwent a redetermination of FAP benefits where she was recertified from August 1, 2019, through July 31, 2020. The Department alleges Respondent received a FIP OI during the period September 1, 2019, through February 29, 2020, due to **Respondent's** error. The Department alleges that Respondent received \$2,718 OI that is still due and owing to the Department. BAM 105, 220, 700, 715, and 725. BEM 500, 501, 503, and 554.

During the hearing, Respondent stated that her son, J.M., was not living in her home, but was living with his father. J.M. moved in July 2019. She had a telephone interview on July 2, 2019. She provided no additional information to prove that her son had moved and was living with his father.

However, the Department countered that her son started working on June 25, 2019, where he received his first paycheck on July 2, 2019. In addition, she received child support payments from J.M.'s father starting in October 2019. Respondent also received FIP benefits for the months of August 2019 and September 2019. J.M. was on Respondent's Redetermination Application, DHS-1010, but she failed to let the Department know that he was employed and allegedly had moved out within 10 days as required by Department policy.

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 \$2,718.

DECISION AND ORDER

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 \$2,718.

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

The Department is **ORDERED** to initiate collection procedures for a \$2,718 OI in accordance with Department policy.

CF/hb



Carmen G. Fahie
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

Oceana County via electronic mail

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

B. Cabanaw via electronic mail

G. Vail via electronic mail

MDHHS-OIG via electronic mail

DHHS Department Rep.

MDHHS-Recoupment via electronic mail

Respondent

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