



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: September 30, 2020  
MOAHR Docket No.: 20-004432  
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 September 22, 2020, from Lansing, Michigan. The Department was represented by Kathleen Zewatski, Recoupment Specialist. The 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. Department Exhibit 1, pgs. 15-16.
2. Respondent failed to report earned income from employment from [REDACTED] where he received his first paycheck on November 30, 2018, to the Department as required within 10 days. Department Exhibit 1, pgs. 28-82.
3. The Department alleges Respondent received a FAP OI during the period February 1, 2019, through June 30, 2019, due to **Respondent's** error. Department Exhibit 1, pgs. 17-21.

4. The Department alleges that Respondent received \$960 OI that is still due and owing to the Department.
5. On July 6, 2020, 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), 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. Department Exhibit 1, pgs. 15-16. Respondent failed to report earned income from employment from [REDACTED] where he received his first paycheck on November 30, 2018 to the Department as required within 10 days. Department Exhibit 1, pgs. 28-82. The Department alleges Respondent received a FAP OI during the period February 1, 2019, through June 30, 2019, due to **Respondent's** error. The Department alleges that Respondent received \$960 OI that is still due and owing to the Department. On July 6, 2020, the Department received a hearing request from Respondent, contesting the Department's negative action. Department Exhibit 1, pgs. 1-89.

During the hearing, Respondent stated that he submitted the employment verification to the Department at the front desk. He could not give a specific date that he submitted the verification. Therefore, the Department could not check the sign in sheet to verify that he did submit the check stubs. The Recoupment Specialist testified that the Department did not receive the employment verification. Respondent did not verify that the Department received the verification that he submitted at the front desk. As a result, the overissuance will be due to Respondent's error.

Respondent was encouraged to reapply for FAP benefits because he is only working at [REDACTED] part time and may be eligible for FAP benefits. In addition, he should keep a calendar of when he signed into the Department to drop off written verifications. He should also call the Department or look on BRIDGES to confirm that they received verifications that he has dropped off previously.


**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 \$960.

Accordingly, the Department is **AFFIRMED**.

The Department is ORDERED to initiate collection procedures for a FAP \$960 OI in accordance with Department policy.

CF/hb



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**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 Department Rep.**

MDHHS-Recoupment via electronic mail

**DHHS**

Jackson County, DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

MDHHS-OIG via electronic mail

**Petitioner**

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