



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: March 10, 2021  
MOAHR Docket No.: 21-000401  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Janice Spodarek**

**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, an administrative hearing was held on March 10, 2021.

Petitioner personally appeared unrepresented.

The Department of Health and Human Services (Department) was represented by Julie Luczek, Recoupment Specialist.

Department Exhibit A.60 was offered and admitted into the record.

**ISSUE**

Did the Department properly determine that Petitioner was overissued 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. At all relevant times to the issue herein, Petitioner was a FAP beneficiary for a group size of six.
2. On January 6, 2021, the Department issued a Notice of Overissuance for FAP benefits due to agency error for \$1,614.00 for the period from November 1, 2020 to December 31, 2020.

3. On January 14, 2021, Petitioner filed a hearing request.

### **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).

Applicable Department policy is found primarily at BAM 105, 700, and 705. Corresponding federal regulations are found at 7 CFR 273.


In this case, Petitioner does not dispute the facts that her FAP group was overissued FAP benefits due to an agency budgeting error in failing to budget a member of the household's earned income. Rather, here, Petitioner requests that the Department allow Petitioner to make payment arrangements with Petitioner so that she can pay off the debt sooner than the default ten percent recoupment. The Department representative indicated that she will send Petitioner a form so that she can make payment arrangements.

As to the overissuance action, 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 determined that Petitioner was overissued FAP benefits from November 1, 2020 through December 31, 2020.

### **DECISION AND ORDER**

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

JS/ml

  
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Janice Spodarek  
Administrative Law Judge  
for Elizabeth Hertel, 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**

Deborah Lloyd  
Arenac County DHHS – via electronic mail

BSC2 – via electronic mail

**DHHS Department Rep.**

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

**Petitioner**

██████████ – via first class mail

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