



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: April 14, 2023
MOAHR Docket No.: 23-001308
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, a telephone hearing was held on April 5, 2023. The Petitioner was represented by herself and her mother and authorized representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by LaCre Barnett, Recoupment Specialist. The Department submitted Department Exhibit, pgs. 1-31, that was admitted and made a part of the record.

ISSUE

Did the Department properly determine that the Petitioner received an overissuance of Food Assistance Program (FAP) benefits that the Department is entitled to recoup due to Client 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. The Petitioner was a recipient of FAP benefits.
2. On August 31, 2021, the Recoupment Specialist got an Overissuance Referral, DHS 4701 regarding the Petitioner having unreported earnings from January 2021 to June 2021 due to a wage match.
3. The Petitioner failed to report within 10 days as required by Department policy and on her Semi Annual Contact form submitted to the Department on March 12, 2021, that she has an increase in earned income from employment.

4. The Department determined that the Petitioner received a FAP overissuance in the amount of [REDACTED] during the time period of [REDACTED] 2021, through [REDACTED] 2021, due to Client error.
5. On December 20, 2022, the Department sent the Petitioner a Notice of Overissuance, DHS 4358 and a Department and Client Error Information and Repayment Agreement, DHS 4358C that the Petitioner had been working for [REDACTED] and failed to report an increase in earned income resulting in a client error FAP OI of [REDACTED] for [REDACTED] 2021, through [REDACTED] 2021.
6. On February 27, 2023, the Department received a hearing request from the Petitioner, 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), 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, the Petitioner was a recipient of FAP benefits. On August 31, 2021, the Recoupment Specialist got an Overissuance Referral, DHS 4701 regarding Petitioner having unreported earnings from January 2021 to June 2021 due to a wage match. The Petitioner failed to report within 10 days as required by Department policy and on her Semi Annual Contact form submitted to the Department on March 12, 2021, that she has an increase in earned income from employment.

The Department determined that the Petitioner received a FAP overissuance in the amount of \$455 during the time period of April 1, 2021, through April 30, 2021, due to Client error. On December 20, 2022, the Department sent the Petitioner a Notice of Overissuance, DHS 4358 and a Department and Client Error Information and Repayment Agreement, DHS 4358C that the Petitioner had been working for [REDACTED] and failed to report an increase in earned income resulting in a Client error FAP OI of [REDACTED] for [REDACTED] 2021-[REDACTED] 2021. On February 27, 2023, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 105, 600, 700, 720, and 725. BEM 500-554.

During the hearing, the Petitioner and her mother realized that the company that the Department had cited had a different name for the company that she was employed by,

but she was employed there during the contested time period. The Petitioner was reminded that she had 10 days to report changes in income to the Department based on Department policy and procedures. The client error FAP overissuance was from April 1, 2021, through April 30, 2021. The Petitioner did spend the over issued FAP benefits. As a result, the Petitioner received an overissuance of FAP benefits that she wasn't entitled to of a total of [REDACTED] that the Department is required to recoup due to Client error for the contested time period.

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 the Petitioner received an overissuance of FAP benefits in the amount of \$455 for the contested time period of April 1, 2021, through April 30, 2021, that the Department is required to recoup.

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

CF/tlf



Carmen G. Fahie
Administrative Law Judge

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

Via-Electronic Mail :

DHHS
Kimberly Kornoelje
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121 Franklin SE
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235 S Grand Ave
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Interested Parties

BSC3
M. Holden
D. Sweeney
MOAHR

Via-First Class Mail :

Petitioner

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