



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: April 25, 2023
MOAHR Docket No.: 23-001598
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on April 19, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Anna Peterson.

ISSUE

Did the Department of Health and Human Services (Department) properly determine that Petitioner received an overissuance of Food Assistance Program (FAP) benefits that must be recouped?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On July 5, 2017, the Department received Petitioner's application for Food Assistance Program (FAP) benefits. Exhibit A, pp 54-149.
2. Petitioner reported on her July 5, 2017, application for assistance that he did not have a current or recent job. Exhibit A, p 101.
3. On July 6, 2017, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits as a household of two not receiving any earned income from employment and unearned income in the gross monthly amount of \$██████████ Exhibit A, pp 40-45.
4. On August 8, 2017, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits as a household of two receiving no earned income from employment and unearned income in the gross monthly amount of \$██████████ Exhibit A, pp 36-39.

5. On May 21, 2018, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits as a household of two people receiving earned income in the gross monthly amount of \$[REDACTED] and unearned income in the gross monthly amount of \$[REDACTED]. Exhibit A, pp 31-35.
6. Petitioner received earned income from employment from September 15, 2017, through June 22, 2018. Exhibit A, pp 49-53.
7. Petitioner received Food Assistance Program (FAP) benefits totaling \$1,387 from November 1, 2017, through May 31, 2018. Exhibit A, p 15.
8. On March 2, 2023, the Department notified Petitioner that she had received a \$1,357 overissuance of Food Assistance Program (FAP) benefits during the period of November 1, 2017, through May 31, 2018. Exhibit A, pp 7-12.
9. On March 13, 2023, the Department received Petitioner's request for a hearing protesting the recoupment of Food Assistance Program (FAP) benefits. Exhibit A, p 3.

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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

When a client group receives more benefits than it is entitled to receive, the Department must attempt to recoup the overissuance. Department of Human Services Bridges Administrative Manual (BAM) 700 (October 1, 2018), p 1. A recipient claim is an amount owed because of benefits that are overpaid and the Department must establish and collect any claim. 7 CFR 273.18(a).

On July 5, 2017, Petitioner filed an application for FAP benefits and acknowledged the duties of receiving FAP benefits. Respondent reported on her July 5, 2017, application form that she was not employed at that time. The hearing record supports a finding that this was truthful information and that did receive any earned income after her July 7, 2017, paycheck until October 13, 2017.

Petitioner credibly testified that she reported to the Department that her employment was seasonal that that did not receive any income during the summer.

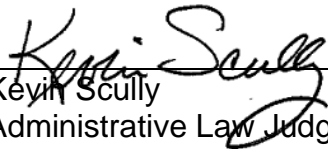
However, no evidence was presented on the record that Petitioner reported that she had returned to work and received a paycheck on September 15, 2017. Petitioner was required to report when her income increased. Petitioner received FAP benefits as a household of two not receiving any income from November 1, 2017, through May 31, 2018, as a household of two not receiving any earned income from employment. If the Department had been aware of the earned income Petitioner was receiving during that period, she would have been eligible for only \$30 of those benefits. Therefore, Petitioner received a \$1,357 overissuance of FAP benefits.

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 Petitioner received a \$1,357 overissuance of Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
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