



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: October 10, 2023
MOAHR Docket No.: 23-005611
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 16, 2023, Petitioner, [REDACTED] requested a hearing to dispute a notice of overissuance. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 4, 2023. Petitioner appeared with his spouse, [REDACTED] Respondent, Department of Health and Human Services (Department), had Danielle Moton, Assistance Payments Worker, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 19-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine that Petitioner owes the Department a debt of \$364.00 for Food Assistance Program (FAP) benefits that were overissued to him from March 2023 through April 2023?

FINDINGS OF FACT

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

1. Petitioner is a FAP benefit recipient, and Petitioner's spouse is a member of Petitioner's group.
2. Petitioner is a simplified change reporter.

3. Petitioner was receiving a monthly FAP benefit of \$312.00 based on budgeted earned income of [REDACTED] per month.
4. In December 2022, Petitioner's spouse received earned income of [REDACTED].
5. In January 2023, Petitioner's spouse received earned income of [REDACTED].
6. In February 2023, Petitioner's spouse received earned income of [REDACTED].
7. In March 2023, Petitioner's spouse received earned income of [REDACTED].
8. In April 2023, Petitioner's spouse received earned income of [REDACTED].
9. The Department reviewed Petitioner's case and re-budgeted the earned income.
10. The Department determined that it overissued FAP benefits to Petitioner for March 2023 and April 2023 because the Department issued Petitioner \$312.00 per month when Petitioner was only eligible for \$182.00 per month.
11. The Department notified Petitioner that he was overissued \$364.00 in FAP benefit for the months of March 2023 and April 2023.
12. On June 28, 2023, Petitioner signed an agreement to repay the \$364.00 overissuance.
13. On August 16, 2023, Petitioner requested a hearing to dispute the overissuance amount.

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 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 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 Department determined that Petitioner received an overissuance of FAP benefits. Based on the evidence presented, it appears most likely that the Department determined that Petitioner received an overissuance because Petitioner's income exceeded the simplified reporting limit, and Petitioner did not report it to the Department. However, the Department did not present any evidence to show how it determined that Petitioner received an overissuance. Additionally, the Department did

not present any evidence to establish the simplified reporting income limit, so I am unable to determine if Petitioner's income exceeded the limit.

Petitioner disputed the overissuance amount, and the Department did not present sufficient evidence to establish that the overissuance amount was correct, so I must find that the Department did not properly determine that Petitioner owes the Department a debt of \$364.00 for FAP benefits that were overissued to him from March 2023 through April 2023.

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 did not act in accordance with its policies and the applicable law when it determined that Petitioner owes the Department a debt of \$364.00 for FAP benefits that were overissued to him from March 2023 through April 2023.

IT IS ORDERED that the Department's decision is **REVERSED**. The Department shall void the overissuance for March 2023 and April 2023, and the Department shall not require Petitioner to repay the overissuance. The Department shall begin to implement this decision within 10 days of the date of mailing of this decision and order.

JK/ml



Jeffrey Kemm
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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
MDHHS-Wayne-17-hearings@michigan.gov

Interested Parties

BSC4
M Holden
D Sweeney
MOAHR

Via First Class Mail:

Petitioner

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