



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
ACTING DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: February 6, 2024  
MOAHR Docket No.: 23-009806  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

### **HEARING DECISION**

On December 21, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute an overissuance. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on February 1, 2024. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Walica Randle, Overpayment Establishment Analyst, appear as its representative. Administrative Law Judge Alisyn Crawford appeared as an observer of the hearing.

A 63-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 \$2,294.00 for Food Assistance Program (FAP) benefits that were overissued to her from April 1, 2023, through November 30, 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. On December 14, 2022, Petitioner's husband applied for FAP benefits as a group member on Petitioner's case.
2. On December 20, 2022, the Department mailed a notice of case action to Petitioner to notify her that she was approved for a FAP benefit of \$429.00 per month effective December 14, 2022. The notice instructed Petitioner to report to

the Department any changes to her husband's employment status within 10 days.

3. On February 3, 2023, Petitioner obtained employment at [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]
4. On February 13, 2023, the Department became aware of Petitioner's husband's income when a new hire report was run.
5. The Department did not process Petitioner's reported change, so the Department continued to issue FAP benefits to Petitioner without considering her husband's income.
6. Petitioner's husband received the following wages from his employment:
  - a. \$ [REDACTED] paid April 14, 2023;
  - b. \$ [REDACTED] paid April 28, 2023;
  - c. \$ [REDACTED] paid May 12, 2023;
  - d. \$ [REDACTED] paid May 26, 2023;
  - e. \$ [REDACTED] paid June 9, 2023;
  - f. \$ [REDACTED] paid June 23, 2023;
  - g. \$ [REDACTED] paid July 7, 2023;
  - h. \$ [REDACTED] paid July 21, 2023;
  - i. \$ [REDACTED] paid August 4, 2023;
  - j. \$ [REDACTED] paid August 18, 2023;
  - k. \$ [REDACTED] paid September 1, 2023;
  - l. \$ [REDACTED] paid September 15, 2023
  - m. \$ [REDACTED] paid September 29, 2023;
  - n. \$ [REDACTED] paid October 13, 2023;
  - o. \$ [REDACTED] paid October 27, 2023;
  - p. \$ [REDACTED] paid November 10, 2023.

7. The Department issued Petitioner \$325.00 per month in FAP benefits from April 2023 through September 2023, and \$364.00 per month in FAP benefits for October and November 2023.
8. The Department subsequently discovered that Petitioner had household income that the Department had not been considering.
9. The Department recalculated Petitioner's FAP benefit amount for April 2023 through November 2023 by budgeting Petitioner's husband's employment income. The Department determined that Petitioner was not eligible for any FAP benefits from April through July 2023, and September 2023. The Department determined that Petitioner was only eligible for a FAP benefit of \$41.00 in August 2023, \$25.00 in September 2023, and \$318.00 in November 2023.
10. The Department determined that Petitioner was overissued \$2,294.00 in FAP benefits from April 1, 2023, through November 30, 2023.
11. On December 6, 2023, the Department notified Petitioner of the overissuance.
12. On December 21, 2023, Petitioner requested a hearing to dispute the overissuance.

### **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 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 it overissued FAP benefits to Petitioner because it did not properly budget Petitioner's household income. When a client receives more benefits than she was entitled to receive, the Department must attempt to recoup the overissuance. BAM 700 (October 1, 2018), p. 1. The overissuance amount is the amount of benefits in excess of the amount the client was eligible to receive. *Id.* at p. 2. Based on the evidence presented, the Department overissued FAP benefits to Petitioner.

From April 2023 through September 2023, the Department issued \$325.00 per month in FAP benefits and \$364.00 per month in FAP benefits for October and November 2023. The Department issued these FAP benefits to Petitioner without properly budgeting Petitioner's husband's earned income. This caused the Department to issue Petitioner

more FAP benefits than she was eligible to receive. The overissuance was due to the Department's error because the Department became aware of Petitioner's husband's income on February 13, 2023, but did not properly process the reported change. Based on Petitioner's income, Petitioner was not eligible for any FAP benefits from April through July 2023, and September 2023; and Petitioner was only eligible for a FAP benefit of \$41.00 in August 2023, \$25.00 in September 2023, and \$318.00 in November 2023. Thus, Petitioner was overissued \$2,294.00 in FAP benefits from April 1, 2023, through November 30, 2023.

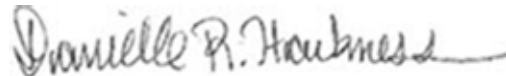
Although the overissuance was due to the Department's error, the Department was required to pursue it. A FAP overissuance that results from the Department's error must be pursued by the Department when the amount is greater than or equal to \$250.00. BAM 705 (October 1, 2018), p. 1. The Department acted in accordance with its policies when it pursued the overissuance because the amount involved was greater than or equal to \$250.00.

### **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 its policies and the applicable law when it determined that Petitioner owes the Department a debt of \$2,294.00 for FAP benefits that were overissued to her from April 1, 2023, through November 30, 2023.

Accordingly, the Department's decision is AFFIRMED.

DH/nr



---

**Danielle R. Harkness**  
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**  
Ashley Warner  
Missaukee/Wexford County DHHS  
10641 W. Watergate Rd.  
Cadillac, MI 49601  
**MDHHS-GR8North-  
Hearings@michigan.gov**

**Interested Parties**  
GR8North Hearings  
MDHHS Recoupment  
N. Stebbins  
MOAHR

**DHHS Department Rep.**  
Overpayment Establishment Section  
(OES)  
235 S Grand Ave Ste 811  
Lansing, MI 48909  
**MDHHS-RECOUPMENT-  
HEARINGS@Michigan.gov**

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]