



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], WV [REDACTED]

Date Mailed: February 21, 2024
MOAHR Docket No.: 23-009993
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 28, 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 20, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Jason Morris, Department Analyst.

A 161-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 \$1,018.00 for Food Assistance Program (FAP) benefits that were overissued to her from January 1, 2020, through February 29, 2020?

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 [REDACTED] [REDACTED] 2019, Petitioner applied for FAP benefits.
2. On July 12, 2019, the Department mailed a Notice of Case Action to Petitioner to notify her that she was approved for a FAP benefit of \$505.00 per month effective July 1, 2019. The notice instructed Petitioner to report to the Department any changes to her household's income within 10 days.

3. On October 28, 2019, Petitioner's live-in partner obtained employment at McDonald's.
4. On or around April 6, 2020, the Department became aware of Petitioner's live-in partner's income when verifying the income for Petitioner's group.
5. The Department was unaware of Petitioner's live-in partner's income, so the Department continued to issue FAP benefits to Petitioner without considering her live-in partner's income.
6. Petitioner's live-in partner received the following wages from his employment in January and February 2020:
 - a. \$ [REDACTED] paid January 7, 2020;
 - b. \$ [REDACTED] paid January 21, 2020;
 - c. \$ [REDACTED] paid February 4, 2020;
 - d. \$ [REDACTED] paid February 18, 2020.
7. The Department issued Petitioner \$509.00 per month in FAP benefits in January and February 2020.
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 January and February 2020 by budgeting Petitioner's live-in partner's employment income. The Department determined that Petitioner was not eligible for any FAP benefits from January 1, 2020, through February 29, 2020.
10. The Department determined that Petitioner was overissued \$1,018.00 in FAP benefits from January 1, 2020, through February 29, 2020.
11. On November 16, 2023, the Department notified Petitioner of the overissuance.
12. On November 28, 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.

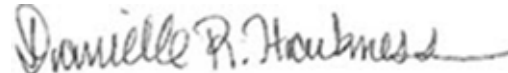
From January 1, 2020, through February 29, 2020, Petitioner received \$509.00 per month in FAP benefits. The Department issued these FAP benefits to Petitioner without properly budgeting Petitioner's live-in partner's earned income. This caused the Department to issue Petitioner more FAP benefits than she was eligible to receive. The overissuance was due to Petitioner's error because Petitioner did not report her live-in partner's income in a timely manner. Based on Petitioner's income, Petitioner was not eligible for any FAP benefits from January 1, 2020, through February 29, 2020. Thus, Petitioner was overissued \$1,018.00 in FAP benefits from January 1, 2020, through February 29, 2020.

At the hearing, Petitioner indicated that she did not have access to her live-in partner's paystubs and that she truthfully reported that he was in the household because he was on her lease. Petitioner further asserted that she was unaware of her live-in partner's income, so she could not report his employment income to the Department. However, it was Petitioner's responsibility to report her live-in partner's employment to the Department in a timely manner. Had Petitioner done this, the Department could have requested income verification from her live-in partner's employer or via wage match verification to determine Petitioner's continued eligibility for FAP benefits. No evidence was presented to show that the Department's actions were improper.

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 \$1,018.00 for FAP benefits that were overissued to her from January 1, 2020, through February 29, 2020.

Accordingly, the Department's decision is AFFIRMED.



Danielle R. Harkness
Administrative Law Judge

DH/nr

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

Lindsey Richardson
Eaton County DHHS
1050 Independence Blvd
Charlotte, MI 48813
**MDHHS-Eaton-County-
Hearings@michigan.gov**

Interested Parties

Eaton County DHHS
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], WV [REDACTED]