



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]
[REDACTED], MI [REDACTED]

Date Mailed: February 26, 2024
MOAHR Docket No.: 24-000701
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 22, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) 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 22, 2024. Petitioner's Authorized Hearing Representative, [REDACTED] [REDACTED] appeared on behalf of Petitioner. The Department of Health and Human Services (Department) was represented by Alisha Young, Overpayment Establishment Analyst.

A 75-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 \$4,752.00 for FAP benefits that were overissued to him from July 1, 2020, through March 31, 2021, 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. On April 17, 2020, a Notice of Case Action was issued approving Petitioner for FAP benefits of \$509.00 per month from May 1, 2020, through April 30, 2021. The Notice also instructed Petitioner that he must report any changes in employment or income to the Department within 10 days.

2. On March 26, 2021, the Department reviewed Petitioner's FAP case and determined that he had unreported earnings from Meijer from July 2020 through March 2021.
3. On March 26, 2021, the Department obtained verification of Petitioner's wages from The Work Number.
4. The Department determined that Petitioner received the following gross income from [REDACTED] from July 2020 through March 2021:
 - a. \$ [REDACTED] in July 2020;
 - b. \$ [REDACTED] in August 2020;
 - c. \$ [REDACTED] in September 2020;
 - d. \$ [REDACTED] in October 2020;
 - e. \$ [REDACTED] in November 2020;
 - f. \$ [REDACTED] in December 2020;
 - g. \$ [REDACTED] in January 2021;
 - h. \$ [REDACTED] in February 2021; and
 - i. \$ [REDACTED] in March 2021.
5. The Department recalculated Petitioner's FAP benefit amount for July 1, 2020, through March 31, 2021, by budgeting Petitioner's income and determined that Petitioner was not eligible for FAP benefits during that period.
6. The Department determined that Petitioner was overissued \$4,752.00 in FAP benefits from July 1, 2020, through March 31, 2021.
7. On January 10, 2024, the Department notified Petitioner of the FAP overissuance.
8. On January 22, 2024, Petitioner requested a hearing to dispute the FAP 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 countable income due to a client error. When a client receives more benefits than he 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.

The Department issued the following in FAP benefits to Petitioner:

- a. \$509.00 from July 2020 through September 2020,
- b. \$535.00 from October 2020 through December 2020, and
- c. \$540.00 from January 2021 through March 2021.

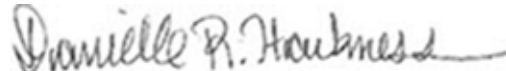
The Department issued these FAP benefits to Petitioner without properly budgeting Petitioner's gross income. This caused the Department to issue Petitioner more FAP benefits than he was eligible to receive. The overissuance was due to Petitioner's error because Petitioner did not report his income in a timely manner. Based on Petitioner's income, Petitioner was not eligible for any FAP benefits from July 1, 2020, through March 31, 2021. Thus, Petitioner was overissued \$4,752.00 in FAP benefits from July 1, 2020, through March 31, 2021.

At the hearing, Petitioner's AHR indicated that Petitioner has a language barrier, so he did not understand the correspondence from the Department. Further, Petitioner was unsure if he was receiving money for FAP benefits during this time. However, Petitioner's AHR acknowledged that Petitioner did not request assistance from the Department in reviewing the correspondence that was sent to him. It was Petitioner's responsibility to request assistance from the Department if correspondence from the Department was unclear as the Department cannot assist Petitioner if they are unaware that this assistance is required. Further, the Department provided a history of FAP purchases made by Petitioner during the time relevant to this matter. See Exhibit A, pp. 45-49. Here, 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 \$4,752.00 for FAP benefits that were overissued to him from July 1, 2020, through March 31, 2021, due to client error.

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
Amber Gibson
Ingham County DHHS
5303 South Cedar
Lansing, MI 48911
**MDHHS-Ingham-
Hearings@michigan.gov**

Interested Parties
Ingham 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 :

Authorized Hearing Rep.

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

Petitioner

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