



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
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: March 18, 2024
MOAHR Docket No.: 24-001037
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 24, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute a 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 March 6, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Latrisha Tartt, Overpayment Establishment Analyst.

A 68-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 \$3,940.00 for Food Assistance Program (FAP) benefits that were overissued to her from April 1, 2022, through October 31, 2022, 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 [REDACTED] [REDACTED] 2021, Petitioner applied to receive FAP benefits.
2. On November 12, 2021, an interview was held with Petitioner in which she was advised that she must report any changes in employment or income to the Department within 10 days.

3. On November 12, 2021, a Notice of Case Action was issued approving Petitioner for FAP benefits of \$413.00 for November 2021 and \$459.00 per month from December 2021 through October 2022.
4. On October 30, 2022, Petitioner submitted a Redetermination wherein she did not report receiving any income.
5. On [REDACTED] [REDACTED] 2022, Petitioner applied to receive healthcare and FAP benefits and did not report receiving any income. While processing Petitioner's [REDACTED] [REDACTED] 2022, application, the Department reviewed Petitioner's FAP case and determined that she had unreported earnings from [REDACTED] beginning January 31, 2022.
6. On December 2, 2022, the Department obtained verification of Petitioner's wages from The Work Number.
7. The Department determined that Petitioner received \$ [REDACTED] in gross income per month from [REDACTED] beginning April 2022 through October 2022.
8. The Department recalculated Petitioner's FAP benefit amount for April 1, 2022, through October 31, 2022, by budgeting Petitioner's income and determined that Petitioner was not eligible for FAP benefits during that period.
9. The Department determined that Petitioner was overissued \$3,940.00 in FAP benefits from April 1, 2022, through October 31, 2022.
10. On January 10, 2024, the Department notified Petitioner of the FAP overissuance.
11. On January 24, 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 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.

The Department issued FAP benefits to Petitioner in the amount of \$554.00 from April 1, 2022, through September 30, 2022, and \$616.00 from October 1, 2022, through October 31, 2022. 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 she was eligible to receive. The overissuance was due to Petitioner's error because Petitioner did not report her income in a timely manner. Based on Petitioner's income, Petitioner was not eligible for any FAP benefits from April 1, 2022, through October 31, 2022. Thus, Petitioner was overissued \$3,940.00 in FAP benefits from April 1, 2022, through October 31, 2022.

At the hearing, Petitioner disputed the gross income amounts verified by the Department as she stated that she only received \$[REDACTED] per month in gross income. However, Petitioner indicated that she has not provided the Department with verification to dispute the gross income amounts calculated by the Department. Further, no evidence of gross income was provided by Petitioner for purposes of the telephone hearing.

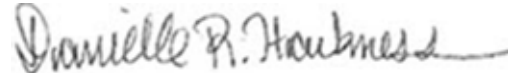
Petitioner also indicated that she advised her caseworker of her employment at [REDACTED] when he called her around January 6, 2022. However, no evidence was provided by Petitioner to show that the Department was timely advised of the change in her employment.

Further, Petitioner disputed that she was receiving money for FAP benefits in April through October 2022, and Petitioner denied submitting the [REDACTED] 2021, application for FAP benefits and the [REDACTED] 2022, application for healthcare and FAP benefits. However, no evidence was provided by Petitioner to support these allegations. In this case, 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 \$3,940.00 for FAP benefits that were overissued to her from April 1, 2022, through October 31, 2022, 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

Janice Collins
Genesee County DHHS Union St
District Office
125 E. Union St 7th Floor
Flint, MI 48502

**MDHHS-Genesee-UnionSt-
Hearings@michigan.gov**

Interested Parties

Genesee (Union St.) 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]
[REDACTED], MI [REDACTED]