



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.: 24-001129
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 30, 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 March 7, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Alisha Young, Overpayment Establishment Analyst.

A 72-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 \$1,614.00 for FAP benefits that were overissued to her from October 1, 2020, through November 30, 2020, 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] 2020, Petitioner applied to receive FAP benefits.
2. On August 28, 2020, a Notice of Case Action was issued approving Petitioner for FAP benefits of \$102.00 beginning August 5, 2020, through August 31, 2020, and \$503.00 per month beginning September 1, 2020, through July 31, 2021.

3. The August 28, 2020, Notice of Case Action advised Petitioner that she must report any changes in employment or income to the Department within 10 days.
4. On February 19, 2021, the Department reviewed Petitioner's FAP case and determined that she had unreported earnings from [REDACTED] [REDACTED] [REDACTED] beginning September 25, 2020. The Department also determined that a member of Petitioner's group had unreported earnings from [REDACTED] [REDACTED] [REDACTED] beginning August 28, 2020.
5. On February 19, 2021, the Department obtained verification of Petitioner's wages from The Work Number.
6. On February 19, 2021, a Wage Match Client Notice was issued to verify Petitioner's group member's employment with [REDACTED] [REDACTED] [REDACTED]
7. On March 8, 2021, the completed Wage Match Client Notice was submitted to the Department.
8. The Department determined that Petitioner's group received \$ [REDACTED] in gross income in October 2020 and \$ [REDACTED] in gross income in November 2020.
9. The Department recalculated Petitioner's FAP benefit amount for October 1, 2020, through November 30, 2020, by budgeting Petitioner's group's income and determined that Petitioner's group was not eligible for FAP benefits during that period.
10. The Department determined that Petitioner was overissued \$1,614.00 in FAP benefits from October 1, 2020, through November 30, 2020.
11. On January 16, 2024, the Department notified Petitioner of the FAP overissuance.
12. On January 30, 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 \$807.00 per month in October and November 2020. 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 the changes in her income and her group's income in a timely manner. Based on Petitioner's group's income, Petitioner was not eligible for any FAP benefits from October 1, 2020, through November 30, 2020. Thus, Petitioner was overissued \$1,614.00 in FAP benefits from October 1, 2020, through November 30, 2020.

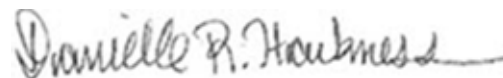
At the hearing, Petitioner indicated that she advised her caseworker of her employment at [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] via telephone at the beginning of October 2020. Petitioner also stated that she timely advised her caseworker of her group member's employment at [REDACTED] [REDACTED] [REDACTED]. Petitioner stated that she received a letter in the mail requesting verification of employment for [REDACTED] [REDACTED] [REDACTED] and that she mailed and placed in the drop box verification of this employment in a timely manner. However, no evidence was provided by Petitioner to support that she timely advised the Department of the changes in her FAP group's employment. Further, 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 \$1,614.00 for FAP benefits that were overissued to her from October 1, 2020, through November 30, 2020, 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 :

Petitioner

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