



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



Date Mailed: March 20, 2024
MOAHR Docket No.: 24-001456
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On February 9, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) benefit 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 14, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Eugene Brown, Overissuance Establishment Analyst.

A 102-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 \$740.00 for FAP benefits that were overissued to her from October 1, 2023, through October 31, 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 [REDACTED] [REDACTED] 2023, Petitioner applied for FAP benefits.
2. On May 24, 2023, the Department mailed a Notice of Case Action to Petitioner to notify her that she was approved for a FAP benefit of \$238.00 from May 22, 2023, through May 31, 2023, and \$740.00 from June 1, 2023, through June 30, 2023. The notice instructed Petitioner to report to the Department when her household income exceeds the simplified reporting income limit of \$2,495.00.

3. On July 11, 2023, the Department mailed a Notice of Case Action to Petitioner to notify her that she was approved for a FAP benefit of \$740.00 from July 1, 2023, through April 30, 2024.
4. Beginning in August 2023, Petitioner's spouse received \$1,639.00 in Retirement, Survivors, Disability Insurance (RSDI) income and began receiving earned income from his employment at SpartanNash. Petitioner's daughter also began receiving \$819.00 in RSDI income.
5. In October 2023, Petitioner's spouse received \$1,639.00 in RSDI income and \$354.91 in earned income from SpartanNash. Petitioner's daughter also received \$819.00 in RSDI income.
6. The Department was unaware of Petitioner's spouse's income and Petitioner's daughter's income, so the Department continued to issue FAP benefits to Petitioner without considering this income.
7. The Department issued Petitioner \$740.00 in FAP benefits from October 1, 2023, through October 31, 2023.
8. On or around October 30, 2023, the Department became aware of Petitioner's group's income that was not being considered when issuing Petitioner's October 2023 FAP benefits.
9. The Department recalculated Petitioner's FAP benefit amount for October 2023 by budgeting Petitioner's group's income. The Department determined that Petitioner was not eligible for any FAP benefits from October 1, 2023, through October 31, 2023.
10. The Department determined that Petitioner was overissued \$740.00 in FAP benefits from October 1, 2023, through October 31, 2023.
11. On January 17, 2024, the Department notified Petitioner of the overissuance.
12. On February 9, 2024, 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 group's income. When a client receives more benefits than the client 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 October 1, 2023, through October 31, 2023, Petitioner received \$740.00 in FAP benefits. The Department issued these FAP benefits to Petitioner without properly budgeting Petitioner's group's 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 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, 2023, through October 31, 2023. Thus, Petitioner was overissued \$740.00 in FAP benefits from October 1, 2023, through October 31, 2023.

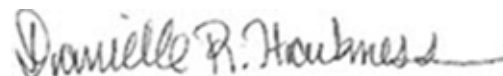
At the hearing, Petitioner indicated that she accidentally lost track of everything and did not timely update the Department when her group's income exceeded the simplified reporting income limit. In this case, no evidence was presented to show that the Department's actions were improper.

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 \$740.00 for FAP benefits that were overissued to her from October 1, 2023, through October 31, 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
Eric Carlson
Mason County DHHS
915 Diana St.
Ludington, MI 49431
**MDHHS-Mason-
Hearings@michigan.gov**

Interested Parties
Mason County DHHS
MDHHS Recoupment
N. Stebbins
MOAHR

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

Via-First Class Mail :

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