



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: April 5, 2024
MOAHR Docket No.: 24-002395
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On February 28, 2024, Petitioner, [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 April 4, 2024. Petitioner appeared and represented herself. [REDACTED] appeared as a witness for Petitioner. The Department of Health and Human Services (Department) was represented by Julie Barr, Overpayment Establishment Analyst.

A 79-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 \$921.00 for FAP benefits that were overissued to her from July 1, 2020, through July 31, 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] 2020, Petitioner applied for FAP benefits.
2. On March 30, 2020, the Department mailed a Notice of Case Action to Petitioner to notify her that she was approved for a FAP benefit of \$59.00 from March 30, 2020, through March 31, 2020, and \$921.00 from April 1, 2020, through April 30,

2020. The notice instructed Petitioner to report to the Department when her household income exceeds the simplified reporting income limit of \$3,748.00.

3. On April 10, 2020, Petitioner reported receiving Unemployment Insurance Agency (UIA) benefits.
4. On April 13, 2020, the Department mailed a Notice of Case Action to Petitioner to notify her that she was approved for a FAP benefit of \$818.00 per month from May 1, 2020, through February 28, 2021. The notice instructed Petitioner that she must report any changes in employment or income to the Department within 10 days.
5. Beginning the week of April 28, 2020, Petitioner received [REDACTED] per week in Pandemic Unemployment Assistance (PUA) benefits from the UIA. Petitioner did not timely report these benefits.
6. On April 30, 2020, Petitioner's husband began receiving UIA benefits. Petitioner did not timely report these benefits.
7. In July 2020, Petitioner received a monthly COVID-19 supplement of \$103.00 resulting in Petitioner receiving a total monthly FAP benefit of \$921.00 (\$103.00 + \$818.00.)
8. In July 2020, Petitioner received [REDACTED] in UIA benefits and Petitioner's husband received [REDACTED] in UIA benefits.
9. In July 2020, Petitioner received [REDACTED] in child support.
10. The Department was unaware of the total amount of Petitioner's group's unearned income, so the Department continued to issue FAP benefits to Petitioner's group without properly budgeting Petitioner's group's total unearned income.
11. On or around February 8, 2024, the Department became aware of the total amount of Petitioner's group's UIA income that was not being considered when issuing Petitioner's FAP benefits from July 1, 2020, through July 31, 2020.
12. The Department recalculated Petitioner's FAP benefit amount from July 1, 2020, through July 31, 2020, by budgeting Petitioner's group's income. The Department determined that Petitioner was not eligible for any FAP benefits from July 1, 2020, through July 31, 2020.
13. The Department determined that Petitioner was overissued \$921.00 in FAP benefits from July 1, 2020, through July 31, 2020.
14. On February 12, 2024, the Department notified Petitioner of the overissuance.

15. On February 28, 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 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 July 1, 2020, through July 31, 2020, Petitioner was issued \$921.00 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 when her group's income exceeded the simplified reporting limit of \$3,748.00. This was because Petitioner did not timely report the total amount of UIA benefits received by her group. Based on Petitioner's income, Petitioner was not eligible for any FAP benefits from July 1, 2020, through July 31, 2020. Thus, Petitioner was overissued \$921.00 in FAP benefits from July 1, 2020, through July 31, 2020.

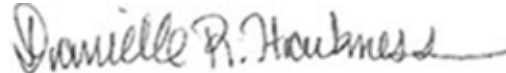
At the hearing, Petitioner indicated she has submitted information to the Department in the past, but the Department has stated they never received the submitted information. Further, Petitioner indicated she does not remember if she reported her group's income timely because it has been so long since this occurred and that she has always tried to report everything to the Department in a timely manner. However, no evidence was submitted to dispute the Department's action in this matter.

In this case, the Department properly instructed Petitioner of the simplified reporting requirements and 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 \$921.00 for FAP benefits that were overissued to her from July 1, 2020, through July 31, 2020.

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

Sarah Hess
Dickinson County DHHS
1401 Carpenter Ave.
Iron Mountain, MI 49801

**MDHHS-
UPSCHearings@Michigan.gov**

Interested Parties

UPSC Hearings
MDHHS- Recoupment
N. Stebbins
MOAHR

DHHS Department Rep.

Overpayment Establishment Section
(OES)

235 S Grand Ave Ste 811
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**MDHHS-RECOUPMENT-
HEARINGS@Michigan.gov**

Via-First Class Mail :

Petitioner

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