



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

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Date Mailed: April 17, 2024  
MOAHR Docket No.: 24-002905  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

**HEARING DECISION**

On March 7, 2024, Petitioner, ██████████, 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 16, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Kathleen Zewatsky, Overpayment Establishment Analyst.

A 67-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 \$2,088.00 for FAP benefits that were overissued to Petitioner from August 1, 2023, through January 31, 2024?

**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 ██████████ 2023, Petitioner applied for FAP benefits.
2. On May 23, 2023, the Department mailed a Notice of Case Action to Petitioner to notify him that he was approved for a FAP benefit of \$375.00 from May 7, 2023, through May 31, 2023, and \$465.00 from June 1, 2023, through April 30, 2024. The notice instructed Petitioner to report to the Department when Petitioner's household income exceeds the simplified reporting income limit of \$1,984.00.
3. From August 2023, through January 2024, Petitioner received the following gross wages from his employment at ██████████

- a. [REDACTED] in [REDACTED] 2023,
  - b. [REDACTED] in [REDACTED] 2023,
  - c. [REDACTED] in [REDACTED] 2023,
  - d. [REDACTED] in [REDACTED] 2023,
  - e. [REDACTED] in [REDACTED] 2023, and
  - f. [REDACTED] in [REDACTED] 2024.
4. Petitioner also received the following in unemployment compensation benefits:
    - a. [REDACTED] in [REDACTED] 2023,
    - b. [REDACTED] in [REDACTED] 2023, and
    - c. [REDACTED] in [REDACTED] 2023.
  5. Petitioner did not timely report when his income exceeded the simplified reporting income limit of \$1,984.00.
  6. The Department was unaware of the total amount of Petitioner's income, so the Department continued to issue FAP benefits to Petitioner without properly budgeting Petitioner's total income.
  7. On or around January 9, 2024, the Department became aware of Petitioner's unreported income that was not being considered when issuing Petitioner's FAP benefits from August 1, 2023, through January 31, 2024.
  8. The Department recalculated Petitioner's FAP benefit amount from August 1, 2023, through January 31, 2024, by budgeting Petitioner's income. The Department determined that Petitioner was eligible for FAP benefits of \$0.00 from August 1, 2023, through September 30, 2023; \$23.00 from October 1, 2023, through November 30, 2023; and \$0.00 from December 1, 2023, through January 31, 2024.
  9. The Department determined that Petitioner was overissued \$2,088.00 in FAP benefits from August 1, 2023, through January 31, 2024.
  10. On February 27, 2024, the Department notified Petitioner of the overissuance.
  11. On March 7, 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 August 1, 2023, through January 31, 2024, Petitioner was issued \$2,088.00 in FAP benefits. The Department issued these FAP benefits to Petitioner without properly budgeting Petitioner's income. This caused the Department to issue Petitioner more FAP benefits than Petitioner was eligible to receive. The overissuance was due to Petitioner's error because Petitioner did not report when his income exceeded the simplified reporting limit of \$1,984.00. This was because Petitioner did not timely report the total amount of his income. Based on Petitioner's income, Petitioner was eligible for FAP benefits of \$0.00 from August 1, 2023, through September 30, 2023; \$23.00 from October 1, 2023, through November 30, 2023; and \$0.00 from December 1, 2023, through January 31, 2024. Thus, Petitioner was overissued \$2,088.00 in FAP benefits from August 1, 2023, through January 31, 2024.

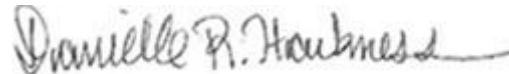
At the hearing, Petitioner indicated that he was unaware of the simplified reporting requirement. Petitioner acknowledged receiving the May 23, 2023, Notice of Case Action but Petitioner only read the top half that stated he was approved for benefits. Further, Petitioner stated that he cannot afford to pay the money back. 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 \$2,088.00 for FAP benefits that were overissued to him from August 1, 2023, through January 31, 2024.

Accordingly, the Department's decision is AFFIRMED.



DH/pt

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**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**

Tara Roland 82-17  
Wayne-Greenfield/Joy-DHHS  
8655 Greenfield  
Detroit, MI 48228

**MDHHS-Wayne-17-hearings@michigan.gov**

**DHHS Department Rep.**

Overpayment Establishment Section (OES)  
235 S Grand Ave Ste 811  
Lansing, MI 48909

**MDHHS-RECOUPMENT-HEARINGS@Michigan.gov**

**Interested Parties**

MDHHS Recoupment  
N. Stebbins  
MOAHR

**Via-First Class Mail:**

**Petitioner**

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