



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: June 7, 2024  
MOAHR Docket No.: 24-005066  
Agency No.: ██████████  
Petitioner: ██████████

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

**HEARING DECISION**

On April 30, 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 June 6, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Walita Randle, Overpayment Establishment Analyst.

A 43-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 \$1,178.00 for FAP benefits that were overissued to Petitioner from ██████████, 2023, through ██████████, 2023; and ██████████ 2023, through ██████████, 2023, due to an agency 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 ██████████ 2022, Petitioner applied for FAP benefits.
2. On November 2, 2022, the Department mailed a notice of case action to Petitioner to notify him that he was approved for a FAP benefit of \$281.00 per month from November 1, 2022, through October 31, 2023.
3. On November 7, 2022, a new hire report was run by the Department showing that Petitioner began working at ██████████ on ██████████ 2022. Exhibit A, pp. 13-14.

4. The Department failed to timely process the new hire report.
5. Petitioner received the following in gross income from his employment at [REDACTED]
  - a. \$ [REDACTED] in [REDACTED] 2023,
  - b. \$ [REDACTED] in [REDACTED] 2023,
  - c. \$ [REDACTED] in [REDACTED], and
  - d. \$ [REDACTED] in [REDACTED] 2023.

*Id.* at pp. 19-26.

6. The Department failed to consider Petitioner's earned income when issuing Petitioner FAP benefits from January 1, 2023, through January 31, 2023; and March 1, 2023, through May 31, 2023.
7. From January 1, 2023, through January 31, 2023, Petitioner received a COVID-19 supplement of \$95.00 resulting in Petitioner receiving a total monthly FAP benefit of \$376.00 (\$95.00 + \$281.00). *Id.* at p. 15.
8. The Department issued Petitioner \$1,178.00 in FAP benefits from January 1, 2023, through January 31, 2023; and March 1, 2023, through May 31, 2023. *Id.* at pp. 15-18.
9. On April 19, 2024, the Department notified Petitioner of the overissuance. *Id.* at pp. 7-12.
10. On April 30, 2024, Petitioner requested a hearing to dispute the overissuance. *Id.* at p. 4.

### **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 consider Petitioner's earned 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. When an overpayment of

more than \$250.00 occurs, the Department must pursue recoupment, regardless of whether fault lies with the Agency or by client error. *Id.* at p. 5. 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 January 1, 2023, through January 31, 2023; and March 1, 2023, through May 31, 2023, Petitioner was overissued \$1,178.00 in FAP benefits. Exhibit A, pp. 15-18. The Department issued these FAP benefits to Petitioner without properly budgeting Petitioner's earned income. This caused the Department to issue Petitioner more FAP benefits than Petitioner was eligible to receive. The overissuance was due to an agency error because the agency failed to timely process a new hire report. Therefore, the Department did not consider Petitioner's earned income before issuing FAP benefits to Petitioner from January 1, 2023, through January 31, 2023; and March 1, 2023, through May 31, 2023.

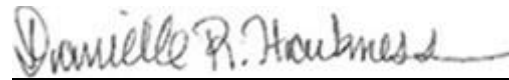
Based on Petitioner's income, Petitioner was eligible for \$0.00 in FAP benefits from January 1, 2023, through January 31, 2023; \$41.00 in FAP benefits from March 1, 2023, through March 31, 2023; and \$0.00 from April 1, 2023, through May 31, 2023. *Id.* at p. 17. Thus, Petitioner was overissued \$1,178.00 in FAP benefits from January 1, 2023, through January 31, 2023; and March 1, 2023, through May 31, 2023.

The Department presented sufficient evidence to establish that the total amount overissued was \$1,178.00, from January 1, 2023, through January 31, 2023; and March 1, 2023, through May 31, 2023, and Petitioner did not present any evidence to rebut the Department's evidence. Therefore, I must find that the Department properly determined that Petitioner owes the Department a debt of \$1,178.00 for FAP benefits issued to Petitioner from January 1, 2023, through January 31, 2023; and March 1, 2023, through May 31, 2023.

**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 \$1,178.00 for FAP benefits that were overissued to Petitioner from January 1, 2023, through January 31, 2023; and March 1, 2023, through May 31, 2023.

Accordingly, the Department's decision is **AFFIRMED**.



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**Danielle R. Harkness**  
Administrative Law Judge

DH/pt

**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**

**DHHS Department Rep.**

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

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

**Interested Parties**

Ingham County DHHS  
MDHHS Recoupment  
MOAHR

**Via First Class Mail:**

**Petitioner**

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