



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR



Date Mailed: September 19, 2022
MOAHR Docket No.: 22-003031
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Upon the request for a hearing by the Department of Health and Human Services (Department), this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, and in accordance with Titles 7, 42 and 45 of the Code of Federal Regulation (CFR), particularly 7 CFR 273.16, 42 CFR 431.230(b), and 45 CFR 235.110, and with Mich Admin Code, R 400.3130 and 400.3178. After due notice, a telephone hearing was held on September 13, 2022, from Lansing, Michigan. The Respondent represented herself. The Department of Health and Human Services (Department) was represented by Jody Anderson, Recoupment Specialist.

ISSUE

Did the Department properly determine that the Respondent had received an over issuance of Food Assistance Program (FAP) benefits due to Respondent 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. The Respondent was a recipient of FAP benefits from the Department as a simplified reporter (SR) for a FAP group of 5 where additional income over the SR limit of \$3,324 had to be reported to the Department as required by Department policy within 10 days. Department Exhibit 1, pgs. 14-15.
2. The Department alleges that the Respondent received a FAP over issuance during the period of December 1, 2021, through February 28, 2022, due to Respondent's error. Department Exhibit 1, pgs. 16-20.
3. The Department alleges that Respondent received \$2,976 FAP OI due to Respondent's error that is still due and owing to the Department. Department Exhibit 1, pgs. 14-15.

4. For the client error, the Respondent failed to report earned income from employment for her household at [REDACTED] and [REDACTED] and unearned income from Social Security RSDI to the Department as required by Department policy within 10 days, which resulted in SR limit being exceeded resulting in a FAP overissuance. Department Exhibit 1, pgs. 16-52.
5. On January 24, 2022, the Respondent reported the income on her Semi-Annual Contact Report, DHS 1046 and provided check stubs to verify the earned income, but the additional income should have been reported by November 10, 2022. Department Exhibit 1, pgs. 55-66.
6. On July 12, 2022, the Department received a hearing request from the Respondent, contesting the Department's negative action.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] 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 (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In the instant case, the Respondent failed to report earned income from employment for her household at [REDACTED] and [REDACTED] and unearned income from Social Security RSDI to the Department as required by Department policy within 10 days, which resulted in SR limit being exceeded resulting in a FAP overissuance. The Respondent received an OI of FAP benefits during the period of December 1, 2021, through February 28, 2022, due to Respondent's error. The Department alleges Respondent received \$2,976 FAP OI due to Respondent's error that is still due and owing to the Department for a total OI of \$2,976. Department Exhibit 1, pgs. 1-67.


DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department **did** establish a FAP benefit OI to Respondent totaling \$2,976.

Accordingly, the Department is **AFFIRMED**.

The Department is ORDERED to initiate collection procedures for a FAP \$2,976 OI in accordance with Department policy.

CF/cc



Carmen G. Fahie
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 :

Interested Parties

MDHHS-GR8North-Hearings
MDHHS-Recoupment-Hearings
BSC1-HearingDecisions
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI