



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: December 5, 2023
MOAHR Docket No.: 23-006754
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 28, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Eugene Brown.

ISSUE

Did the Department of Health and Human Services (Department) properly determine that Petitioner received an overissuance of Food Assistance Program (FAP) benefits that the Department is required to recoup?

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 March █████ 2022, the Department received Petitioner's application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits as a household of three. Exhibit A, p 29.
2. On April █████ 2022, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits as a household of three not receiving any earned income from employment and unearned income in the gross monthly amount of \$█████ Exhibit A, pp 37-38.
3. On April █████ 2022, the Department notified Petitioner that she was eligible for Family Independence Program (FIP) benefits, also known as cash benefits, as a household of three based on a budgetable income of \$█████ Exhibit A, pp 45-46.

4. On April [REDACTED] 2022, the Department sent a Wage Match Client Notice after receiving reliable information that Petitioner had received earned income from employment. Exhibit A, p 54.
5. Petitioner received Food Assistance Program (FAP) benefits totaling \$ [REDACTED] from July 1, 2022, through December 31, 2022. Exhibit A, pp 23-24.
6. Petitioner received Family Independence Program (FIP) benefits totaling \$ [REDACTED] from July 1, 2022, through December 31, 2022. Exhibit A, pp 27-28.
7. On August [REDACTED] 2023, the Department sent Petitioner a Notice of Overissuance instructing her that she had received a \$ [REDACTED] overissuance of Food Assistance Program (FAP) benefits from July 1, 2022, through December 31, 2022, due to the Department's error. Exhibit A, p 8.
8. On August [REDACTED] 2023, the Department sent Petitioner a Notice of Overissuance instructing her that she had received a \$ [REDACTED] overissuance of Family Independence Program (FIP) benefits from July 1, 2022, through December 31, 2022, due to the Department's error. Exhibit A, p 14.
9. On October 16, 2023, the Department received Petitioner's request for a hearing protesting the recoupment of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. Exhibit A, 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 through 679c. The Department administers FIP pursuant to 45 CFR 233 through 261, MCL 400.10, the Social Welfare Act, MCL 400.1 et seq, and Mich Admin Code, R 400.3101 through R 400.3131.

The Food Assistance Program (FAP) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 et seq, and Mich Admin Code, R 400.3001 through 400.3011.

When a client group receives more benefits than it is entitled to receive, the Department must attempt to recoup the overissuance. Department of Human Services Bridges Administrative Manual (BAM) 700 (October 1, 2018), p 1.

On March █ 2022, the Department received Petitioner's application for FIP and FAP benefits as a household of three not receiving any earned income. The Department approved Petitioner for FIP and FAP benefits. On April █ 2022, the Department received reliable information that Petitioner had received earned income from employment that had not been applied towards Petitioner's eligibility for ongoing benefits. As a result of the Department's failure to act on information that was available to the Department, Petitioner received benefits that she was not eligible for.

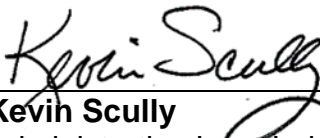
On August █ 2023, the Department notified Petitioner that she had received a \$█ overissuance of FAP benefits as a \$█ overissuance of FIP benefits. While these overissuances were not caused by Petitioner, there is no entitlement to benefits issued in error, and the Department is required to recoup those benefits.

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 Department policy when it determined that Petitioner received a \$█ overissuance of Food Assistance Program (FAP) benefits and a \$█ overissuance of Family Independence Program (FIP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Kristina Etheridge
Calhoun County DHHS
**MDHHS-Calhoun-
Hearings@michigan.gov**

DHHS Department Rep.
Overpayment Establishment Section
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**MDHHS-RECOUPMENT-
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MOAHR

Via-First Class Mail :

Petitioner

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