



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]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: October 8, 2024  
MOAHR Docket No.: 24-009654  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

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

**HEARING DECISION**

On July 29, 2024, Petitioner, [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) benefit overpayment. 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 October 1, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) did not appear for the hearing.

**ISSUE**

Did the Department properly determine that Petitioner owes the Department a debt of \$2,556.00 for FAP benefits that were overpaid to Petitioner from June 1, 2022, through July 31, 2022, and September 1, 2022, through September 30, 2022, 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 [REDACTED] 2021, Petitioner applied for FAP benefits.
2. On December 8, 2021, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$634.00 from December 6, 2021, through December 31, 2021, and \$757.00 per month from January 1, 2022, through November 30, 2022.
3. From June 1, 2022, through July 31, 2022, and September 1, 2022, through September 30, 2022, Petitioner received a monthly COVID-19 supplement of \$[REDACTED] resulting in Petitioner receiving a total monthly FAP benefit of \$[REDACTED] (\$[REDACTED] + \$[REDACTED]).

4. On February 8, 2022, the Department became aware of Petitioner's earnings from Petitioner's employment at [REDACTED] via a wage match.
5. The Department failed to consider Petitioner's earnings when issuing Petitioner FAP benefits from June 1, 2022, through July 31, 2022, and September 1, 2022, through September 30, 2022.
6. On July 16, 2024, the Department notified Petitioner of the overpayment.
7. On July 29, 2024, Petitioner requested a hearing to dispute the overpayment.

### **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.

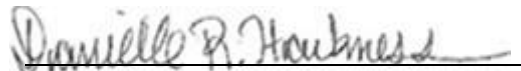
In this case, it is clear from Petitioner's testimony that the Department failed to consider Petitioner's earned income from June 1, 2022, through July 31, 2022, and September 1, 2022, through September 30, 2022, in determining Petitioner's eligibility for benefits. However, the Department failed to appear for the October 1, 2024, hearing and prove that they properly determined that Petitioner owes the Department a debt of \$2,556.00 for FAP benefits that were overpaid to Petitioner from June 1, 2022, through July 31, 2022, and September 1, 2022, through September 30, 2022, due to an agency error. Therefore, the Department's decision must be reversed.

**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 failed to meet its burden of showing that it properly determined that Petitioner owes the Department a debt of \$2,556.00 for FAP benefits that were overpaid to Petitioner from June 1, 2022, through July 31, 2022, and September 1, 2022, through September 30, 2022, due to an agency error.

IT IS ORDERED that the Department's decision is **REVERSED**. The Department shall redetermine Petitioner's eligibility for FAP benefits beginning December 6, 2021. The Department shall begin to implement this decision within 10 days of the date of mailing of this decision and order.

DH/pt

  
**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**

Melissa Brandt  
Ionia County DHHS  
920 East Lincoln St  
Ionia, MI 48846

**MDHHS-IONIA-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**

BSC3  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via-First Class Mail:**

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