



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: October 18, 2024  
MOAHR Docket No.: 24-010178  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Aaron McClintic**

### **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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 8, 2024, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Lisa Carlson Overpayment Establishment Analyst. Department Exhibit 1, pp. 1-65 and Exhibit 2, pp. 1-7 were received and admitted.

### **ISSUE**

Did the Department properly determine that Petitioner received an overissuance of Food Assistance Program (FAP) benefits due to client 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. Petitioner was a recipient of FAP benefits.
2. Petitioner has a child with [REDACTED] who was residing with him on December [REDACTED] 2020.
3. On December [REDACTED] 2020, household member [REDACTED] obtained new employment with [REDACTED] that was not reported. (Ex. 1, p.8)
4. The Department did not budget household member [REDACTED] employment income.

5. On August █ 2024, Notice of Overissuance was sent to Petitioner alleging that he received an overissuance of FAP benefits from February 1, 2021, through July 31, 2021, in the amount of \$█ due to client error. (Ex. 1, pp. 9-10)
6. On September 5, 2024, Petitioner requested hearing disputing the finding of 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 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.

#### **Client Error**

A type of overpayment (OP) or underissuance resulting from inaccurate reporting on the part of the household. The establishment of a client error overpayment claim does not rule out the possibility of a future finding of intentional program violation. BAM 715

#### **OVERPAYMENT AMOUNT**

FIP, SDA, RCA, CDC and FAP

The amount of benefits issued to the client, household, or provider in excess of what the recipient(s) was/were eligible to receive. BAM 720

In this case, the mother of Petitioner's child █ was living with him in December 2020 and began earning employment income. Household member █ began earning employment income on December █ 2020, and did not report that income as required. Petitioner was aware that █ began employment. █ employment income was not budgeted and it should have been. As a result, Petitioner received \$█ in FAP from the time period from February 1, 2021, through July 31, 2021, due to client error. Petitioner testified at hearing that he was unaware of his reporting duties but the application signed by Petitioner clearly instructed him to report all earnings above the simplified reporting amount.


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 an

overissuance of FAP benefits in the amount of \$ [REDACTED] during the time period from February 1, 2021, and July 31, 2021, due to client error. BAM 720

**DECISION AND ORDER**

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

AM/dm

  
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**Aaron McClintic**  
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**  
Rolando Gomez  
Tuscola County DHHS  
**MDHHS-Tuscola-  
Hearings@michigan.gov**

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

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**BSC2HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]