



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: October 22, 2024
MOAHR Docket No.: 24-010947
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On September 20, 2024, Petitioner, ██████████ 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 22, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Krysenda Slayton, Overpayment Establishment Analyst.

An 87-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 \$692.00 for FAP benefits that were overpaid to Petitioner from November 1, 2019, through February 29, 2020, 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 ██████████ 2018, Petitioner submitted verification of medical expenses.
2. On August 29, 2019, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$192.00 per month from October 1, 2019, through September 30, 2020.
3. On ██████████ 2020, Petitioner submitted a redetermination.
4. From November 2019, through February 2020, the Department failed to remove medical expenses that Petitioner had reported on ██████████, 2018, when

issuing FAP benefits to Petitioner from November 1, 2019, through February 29, 2020.

5. The Department issued Petitioner \$692.00 in FAP benefits from November 1, 2019, through February 29, 2020.
6. On September 6, 2024, the Department notified Petitioner of the overpayment.
7. On September 20, 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 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 overpaid FAP benefits to Petitioner because it failed to timely remove medical expenses that Petitioner reported on [REDACTED] 2018. 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 overpaid FAP benefits to Petitioner.

From November 1, 2019, through February 29, 2020, Petitioner was issued \$692.00 in FAP benefits. On [REDACTED] 2018, Petitioner submitted verification of Petitioner's medical expenses to the Department. No further medical expenses were verified by Petitioner. However, the Department failed to timely remove the medical expenses Petitioner reported on [REDACTED] 2018. Instead, the Department continued to consider Petitioner's medical expenses for November 1, 2019, through February 29, 2020, when issuing Petitioner FAP benefits despite Petitioner not reporting any medical expenses for November 1, 2019, through February 29, 2020. When Petitioner submitted Petitioner's August 21, 2020, redetermination, the Department became aware of their error and determined that Petitioner was eligible for \$25.00 per month in FAP benefits from November 1, 2019, through December 31, 2019, and \$17.00 per month in FAP benefits from January 1, 2020, through February 29, 2020.

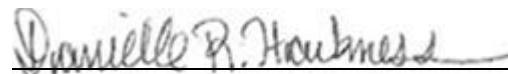
Here, the Department presented sufficient evidence to establish that the total amount overpaid was \$692.00, from November 1, 2019, through February 29, 2020, and Petitioner did not present any evidence to rebut the Department's evidence. Therefore, I must find that the Department properly determined that Petitioner owes the Department a debt of \$692.00 for FAP benefits issued to Petitioner from November 1, 2019, through February 29, 2020.

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 \$692.00 for FAP benefits that were overpaid to Petitioner from November 1, 2019, through February 29, 2020.

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

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:

Agency Representative

Krysenda Slayton
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235 S Grand Ave Ste 811
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DHHS

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Interested Parties

BSC2
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner

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