



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

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DIRECTOR

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Date Mailed: January 10, 2025
MOAHR Docket No.: 24-013512
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 26, 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 January 9, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) did not appear for the hearing. The hearing was held in the Department's absence after waiting for the Department to appear for 15 minutes.

A 97-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 \$606.00 for FAP benefits that were overpaid to Petitioner from June 1, 2023, through August 31, 2023?

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 ██████████ 2023, Petitioner applied for FAP benefits.
2. From June 1, 2023, through August 31, 2023, Petitioner received \$281.00 per month in FAP benefits.
3. On ██████████ 2023, Petitioner submitted a redetermination, and no household income was reported.

4. Following a December 7, 2023, redetermination interview, the Department became aware of Petitioner's earnings from Petitioner's employment at [REDACTED] via a wage match.
5. The Department was unaware of the total amount of Petitioner's income, so the Department continued to issue FAP benefits to Petitioner without properly budgeting Petitioner's income.
6. On November 7, 2024, the Department notified Petitioner of the overpayment.
7. On November 26, 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.

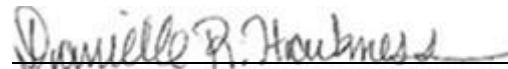
In this case, Petitioner acknowledged being 3 days late in reporting her income from [REDACTED]. However, Petitioner disputes the overissuance period of June 1, 2023, to August 31, 2023. The Department failed to appear for the January 9, 2024, hearing and prove that they properly determined that Petitioner owes the Department a debt of \$606.00 for FAP benefits that were overpaid to Petitioner from June 1, 2023, through August 31, 2023, due to a client 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 \$606.00 for FAP benefits that were overpaid to Petitioner from June 1, 2023, through August 31, 2023, due to a client error.

IT IS ORDERED that the Department's decision is **REVERSED**. The Department shall redetermine Petitioner's eligibility for FAP benefits beginning May 12, 2023. 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:

Agency Representative

Darcus Braswell
Overpayment Establishment Section (OES)
235 S Grand Ave Ste 811
Lansing, MI 48933

MDHHS-Recoupment-Hearings@michigan.gov

DHHS

Dan Vendzuh
Otsego County DHHS
931 S. Otsego Suite 1
Gaylord, MI 49735

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Interested Parties

BSC1
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner

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