



Date Mailed: April 16, 2025

Docket No.: 25-011090

Case No.: 101343263

Petitioner: [REDACTED]

«RECIP_FULL_NAME»
«RECIP_ADD0»
«RECIP_ADD1»
«RECIP_ADD2»
«RECIP_CITY», «RECIP_SPCODE»
«RECIP_POSTAL»

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 13, 2025, 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 April 15, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Julie Barr, Overpayment Establishment Analyst.

A 162-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 \$4,175.00 for FAP benefits that were overpaid to Petitioner from December 1, 2021, through February 28, 2022, and April 1, 2022, through May 31, 2022, due to a 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. On [REDACTED] 2021, Petitioner applied for FAP benefits.
2. On September 29, 2021, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner was approved for \$527.00 per month in FAP benefits from October 1, 2021, through September 30, 2022. The notice further advised Petitioner to report any changes to the Department within 10 days.
3. On October 13, 2021, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner was approved for \$515.00 per month in FAP benefits from November 1, 2021, through September 30, 2022. The notice further advised Petitioner to report any changes to the Department within 10 days.
4. On December 4, 2021, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner was approved for \$470.00 per month in FAP benefits from January 1, 2022, through September 30, 2022. The notice further advised Petitioner to report any changes to the Department within 10 days.
5. On or around February 11, 2022, Petitioner applied for SER (State Emergency Relief) benefits and the Department ran a consolidated inquiry report.
6. While processing Petitioner's application, the Department became aware of Petitioner's unreported income.
7. On February 18, 2022, an employment verification form was submitted by [REDACTED] [REDACTED] verifying Petitioner's income from October 29, 2021, through February 11, 2022.
8. Petitioner received the following income from [REDACTED]
 - a. [REDACTED] in December 2021,
 - b. [REDACTED] in January 2022, and
 - c. [REDACTED] in February 2022.
9. On June 1, 2022, an employment verification form was submitted by [REDACTED] [REDACTED] verifying Petitioner's income from February 25, 2022, through April 8, 2022.

10. Petitioner received the following income from [REDACTED]

- a. [REDACTED] in April 2022,
- b. [REDACTED] in May 2022, and
- c. [REDACTED] in June 2022.

11. Since the Department was unaware of Petitioner's employment, the Department failed to consider Petitioner's earnings when issuing Petitioner FAP benefits from December 1, 2021, through February 28, 2022, and April 1, 2022, through May 31, 2022.

12. The Department issued Petitioner \$4,175.00 in FAP benefits when Petitioner was not eligible for any FAP benefits from December 1, 2021, through February 28, 2022, and April 1, 2022, through May 31, 2022.

13. On March 3, 2025, the Department notified Petitioner of the overpayment.

14. On March 13, 2025, 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 Petitioner did not timely report Petitioner's income. 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 December 1, 2021, through February 28, 2022, and April 1, 2022, through May 31, 2022, Petitioner was issued \$4,175.00 in FAP benefits when Petitioner was not

eligible for any FAP benefits. The Department issued these FAP benefits to Petitioner without properly budgeting Petitioner's income because the Department was not aware of Petitioner's income. This caused the Department to issue Petitioner more FAP benefits than Petitioner was eligible to receive. The overpayment was due to a client error because Petitioner did not timely report Petitioner's income from [REDACTED] and [REDACTED]. Based on Petitioner's income, Petitioner was eligible for \$0.00 in FAP benefits from December 1, 2021, through February 28, 2022, and April 1, 2022, through May 31, 2022.

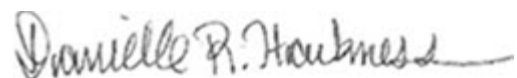
At the hearing, Petitioner stated that all income was timely reported via phone, but Petitioner was unable to provide evidence of the phone call that was made when the income was timely reported.

In this case, the Department presented sufficient evidence to establish that Petitioner failed to timely report Petitioner's income and the total amount overpaid was \$4,175.00 from December 1, 2021, through February 28, 2022, and April 1, 2022, through May 31, 2022. The Department also established that Petitioner had earned income that was not considered prior to issuing Petitioner FAP benefits from December 1, 2021, through February 28, 2022, and April 1, 2022, through May 31, 2022. Therefore, I must find that the Department properly determined that Petitioner owes the Department a debt of \$4,175.00 for FAP benefits issued to Petitioner from December 1, 2021, through February 28, 2022, and April 1, 2022, through May 31, 2022.

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 \$4,175.00 for FAP benefits that were overpaid to Petitioner from December 1, 2021, through February 28, 2022, and April 1, 2022, through May 31, 2022.

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



DANIELLE R. HARKNESS
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

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Interested Parties

BSC1
B CABANAW
M HOLDEN
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]