



Date Mailed: May 9, 2025

Docket No.: 25-006446

Case No.: [REDACTED]

Petitioner: [REDACTED]

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.

[REDACTED]
MI [REDACTED]

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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 hearing was held by telephone on May 7, 2025. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Alisha Young, Overpayment Establishment Analyst. Translation services were provided by Mona Sayed, an independent English-Arabic translator engaged by the Department.

ISSUE

Did the Department properly determine Petitioner received an overpayment (OP) 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. On [REDACTED] 2023, the Department received a completed application for FAP benefits from Petitioner for himself. (Exhibit A, pp. 68 – 75).
2. On November 8, 2023, the Department interviewed Petitioner and reviewed simplified and change reporting requirements with him. (Exhibit A, pp. 76 – 83).
3. On November 8, 2023, the Department sent Petitioner a Notice of Case Action (NOCA) that approved Petitioner for FAP benefits of \$291 per month, prorated from November 6, 2023 to October 31, 2024. The NOCA also informed Petitioner that he was a simplified reporter (SR) and to report to the Department within 10 days when his gross income exceeded \$1,580 in the prior month. (Exhibit A, pp. 84 – 89).
4. On December 11, 2023, Petitioner was hired by [REDACTED] (Employer) and received his first bi-weekly paycheck on December 21, 2023.

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Petitioner continued to work for Employer until at least January 2, 2025. (Exhibit A, pp. 64 – 66).

5. Beginning February 2024 and continuing each month through at least December 2024, Petitioner had gross monthly earnings in excess of \$2,000 for the prior calendar month. (Exhibit A, pp. 65 – 66).
6. On July 22, 2024, the Department sent Petitioner a Wage Match Client Notice that requested Petitioner have the form completed by Employer and return the form to the Department by August 21, 2024. (Exhibit A, pp. 92 – 94).
7. On August 7, 2024, the Department received the Wage Match Client Notice, which was completed but unsigned. (Exhibit A, pp. 92 – 94).
8. On August 7, 2024, the Department obtained Petitioner’s employment and wage history with Employer from the Work Number by Equifax. (Exhibit A, pp. 64 – 66, 101).
9. From March 1, 2024 to September 30, 2024, Petitioner received \$2,037 in FAP benefits from the Department. (Exhibit A, p. 48).
10. On January 7, 2025, the Department sent Petitioner a Notice of Overissuance that informed him that he had received an OP of FAP benefits for the period of March 1, 2024 to September 30, 2024 in the amount of \$2,037 due to his failure to report when his gross monthly income exceeded his SR limit.
11. On February 4, 2025, the Department received a request for hearing from Petitioner disputing the Department’s determination that he had received an OP of FAP benefits. Petitioner provided paystubs from March 14, 2024 through September 12, 2024 with his request for hearing. (Exhibit A, pp. 8 – 25).

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.

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Petitioner requested a hearing in this matter to dispute a finding by the Department that he received an OP of FAP benefits. The Department determined that from March 1, 2024 to September 30, 2024 (OP period), Petitioner received an OP of FAP benefits in the amount of \$2,037 based on Petitioner's failure to report when his monthly gross income exceeded the SR limit.

When a client group receives more benefits than it is entitled to receive, the Department must attempt to recoup the OP as a recipient claim. BAM 700 (June 2024), p. 1; 7 CFR 273.18(a)(2). The amount of a FAP OP is the benefit amount the client actually received; minus the amount the client was eligible to receive. BAM 700, p. 1. When an OP in excess of \$250.00 is discovered, the Department is required to establish a claim for repayment for the OP. BAM 700, p. 5; 7 CFR 273.18(d)(3).

A FAP OP can be caused by client error (CE), agency error (AE), or an intentional program violation (IPV). BAM 700, p. 2. A CE occurs when the OP was caused by inaccurate reporting by the client. BAM 700, p. 2; BAM 715 (June 2024), p. 1.

FAP groups who are SRs are required to report to the Department within 10 days when the group's actual gross monthly income for the prior month exceeded the SR limit for their group size. BAM 200 (July 2023), p. 1. During the alleged OP period, the SR limit for a one-person FAP group, such as Petitioner's, was \$1,580. RFT 250 (October 2023).

In this case, the evidence established, and Petitioner acknowledged, that he began working for Employer in December 2023 and had gross monthly earnings of more than \$1,580 per month beginning in January 2024 and continuing throughout the alleged OP period. Petitioner also confirmed that he received the NOCA sent to him by the Department when he was approved for benefits. Although Petitioner testified that he notified the Department of his earnings, there was no evidence that he did so until he returned the Wage Match Client Notice to the Department in August 2024. Thus, the Department properly determined that any OP of FAP benefits during the OP period was due to CE.

In support of the OP amount sought, the Department introduced revised budgets for each of the months within the OP period. (Exhibit A, pp. 50 – 63). The Department testified that it used Petitioner's actual income as reported on the Work Number by Equifax, and that the information was subsequently confirmed by Petitioner's paystubs. (Exhibit A, pp. 12 – 25, 34 – 37, 64 – 66). A review of the evidence established that from March 1, 2024 to September 30, 2024, Petitioner had gross income in excess of the SR limit for each of those months. Additionally, the evidence established that Petitioner's income exceeded the gross income limit for FAP eligibility in each month of the OP period. Thus, Petitioner was not eligible for the \$2,037 in FAP benefits issued to him during the OP period.

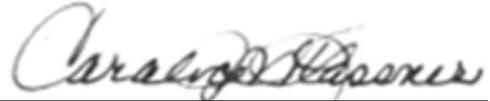
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Therefore, based on the foregoing, the Department properly determined that Petitioner received an OP of FAP benefits in the amount of \$2,037 for the period of March 1, 2024 to September 30, 2024 due to CE that the Department is entitled to recoup.

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 Department policy when it determined that Petitioner received a FAP OP of \$2,037 for the period of March 1, 2024 to September 30, 2024 due to client error.

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



CARALYCE M. LASSNER
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.

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