



Date Mailed: June 12, 2025

Docket No.: 25-018025

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.

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ORDER OF DISMISSAL
FOR LACK OF JURISDICTION

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 via Microsoft Teams on June 9, 2025; the parties participated by telephone. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Rebecca Webber, overpayment establishment analyst.

On May 1, 2025, Petitioner requested a hearing to dispute an established claim of FAP benefits.¹ Exhibit A, pp. 5-8. The established claim stems from a Notice of Overissuance dated May [REDACTED] 2020, stating that Petitioner received \$[REDACTED] in over-issued FAP benefits from October 2016 through July 2017. Exhibit A, pp. 9-15. The OI was stated to be caused by MDHHS's error; MDHHS elaborated that it erroneously failed to timely process wage match reports indicating that Petitioner's wages had restarted. Before the substance of Petitioner's dispute may be considered, it must be first be established that Petitioner timely requested a hearing.

A request for hearing must be received in the MDHHS office within 90 days of the date of the written notice of case action in dispute. Bridges Administrative Manual (BAM) 600 (June 2024) p. 2. Generally, a request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). *Id.*, p. 6. However, hearings disputing FAP benefits may be made orally. *Id.*

The Notice of Overissuance included language that Petitioner had 90 days to submit a hearing request to MDHHS if the notice was disputed. Exhibit A, pp. 13-14. Petitioner's hearing request was stamped as received by MDHHS on May 1, 2025. Exhibit A, pp. 5-

¹ An overissuance (OI) is the benefits issued to the client group in excess of what it was eligible to receive. BAM 700 (June 2024) pp. 1-2. When a client group receives more benefits than it is entitled to receive, MDHHS must attempt to recoup the OI. *Id.* Recoupment is an MDHHS action to identify and recover a benefit OI. *Id.* A claim or recipient claim is the resulting debt created by an OI of benefits. *Id.*

8. Thus, Petitioner's hearing request appears to have been received by MDHHS nearly five full years after MDHHS sent the written notice being disputed.

Petitioner contended that she gave MDHHS oral and/or written request of her dispute within 90 days after receiving the Notice of Overissuance.² If Petitioner establishes that a hearing was timely requested, the analysis may proceed to the underlying issue of whether a claim was properly established. However, Petitioner's contention of timely requesting a hearing was not persuasive for multiple reasons.

First, Petitioner's claim of requesting a hearing within 90 days of the Notice of Overissuance was uncorroborated. The burden of proof falls on Petitioner to prove a submission of documents. Petitioner presented no documentary evidence that a hearing was requested before May 2025.³

Secondly, Petitioner's lengthy delay in following up on her allegedly first and timely hearing request, by itself, renders Petitioner's contention of a timely filed hearing request to be doubtful. By Petitioner's own admission, she waited approximately 4¾ years to submit a second hearing request. Petitioner justified her delay by assuming that MDHHS must have favorably resolved the claim after allegedly requesting a hearing in 2020. Petitioner also testified that she only realized that MDHHS did not favorably resolve her dispute when her tax refund was recently intercepted by MDHHS. Petitioner's testimony was inconsistent with MDHHS recouping \$10 and \$20 amounts from Petitioner's FAP benefits from October 2020 through September 2022.⁴ Exhibit A, pp. 70-72. Further, MDHHS testified that it mailed Petitioner correspondence dated November 17, 2022, stating the remaining OI balance would be referred for collection.

Petitioner also testified she was homeless during 2024 and suffers from a brain aneurysm which adversely affects her memory as she ages. Petitioner additionally testified to the financial difficulty she is experiencing without her intercepted tax refund. Petitioner's testimony concerning her life challenges were wholly sincere but ultimately not relevant in determining whether a claim was timely disputed.

² This may be a generous interpretation of Petitioner's statements that she spoke with someone from MDHHS in 2020 about requesting a hearing and subsequently did so in writing based on the unnamed individual's advice.

³ Petitioner testified she had documentary evidence and did not present it because nobody told her to do so. The hearing notice received by Petitioner states that parties can present evidence by sending it to the opposing side and the Michigan Office of Administrative Hearings and Rules before the hearing.

⁴ Petitioner testified she was unaware that MDHHS was recouping a portion of her monthly FAP eligibility. In fairness to Petitioner, MDHHS was unable to present documentary evidence that Petitioner was ever sent a notice stating that monthly FAP benefits would be recouped.

The evidence failed to establish that Petitioner submitted a hearing request within 90 days of May ■ 2020. Thus, Petitioner's hearing request was not timely filed and Petitioner's hearing request dated May 1, 2025, is **DISMISSED**.

IT IS SO ORDERED.



CHRISTIAN GARDOCKI
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Order to the circuit court within 30 days of receiving the Order. 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. Send a copy of the circuit court appeal to MOAHR.

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HOLDENM

BSC4HEARINGDECISIONS

Via First Class Mail:

Petitioner

