



Date Mailed: June 12, 2025
Docket No.: 25-019157
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.

Date Mailed: June 12, 2025

Docket No.: 25-019157

Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

On May 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 June 10, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Dequindre Williamson, Overpayment Establishment Analyst.

A 66-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 \$1,491.00 for FAP benefits that were overissued to Petitioner from September 1, 2022, through November 30, 2022, 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 February 17, 2022, Petitioner applied for FAP and medical assistance benefits and reported receiving [REDACTED] per month in veteran's benefits. No other household income was reported.
2. On March 4, 2022, Petitioner completed an interview with the Department and reported receiving [REDACTED] per month in veteran's benefits and reported that Petitioner is applying for Social Security Administration (SSA) income.
3. On March 18, 2022, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner was approved for \$85.00 in FAP benefits from February 18, 2022, through February 28, 2022, and \$218.00 per month from March 1, 2022, through January 31, 2023. The notice further advised Petitioner

25-019157

to report any changes to the Department within 10 days. A change report was also included.

4. On December 6, 2022, Petitioner submitted a renew benefits form and reported veteran's benefits income and Petitioner's son's self-employment income. No other income was reported.
5. On January 5, 2023, Petitioner completed an interview with the Department and reported that Petitioner's son is not working and that Petitioner receives [REDACTED] in veteran's benefits and [REDACTED] in Retirement, Survivors, and Disability Insurance (RSDI) income.
6. During the time relevant to this matter, Petitioner received [REDACTED] in RSDI income.
7. On or around January 5, 2023, the department became aware of a system error that resulted in Petitioner's RSDI income not being updated timely by the Department's system. Therefore, Petitioner's receipt of RSDI income was not considered prior to the issuance of FAP benefits to Petitioner from September 1, 2022, through November 30, 2022.
8. The Department failed to consider that Petitioner was receiving RSDI income before issuing FAP benefits to Petitioner from September 1, 2022, through November 30, 2022.
9. From September 1, 2022, through September 30, 2022, Petitioner received a monthly COVID-19 supplement of \$241.00 resulting in Petitioner receiving a FAP benefit of \$459.00 (\$241.00 + \$218.00).
10. From October 1, 2022, through October 31, 2022, Petitioner received a monthly COVID-19 supplement of \$298.00 resulting in Petitioner receiving a FAP benefit of \$516.00 (\$298.00 + 218.00).
11. From November 1, 2022, through November 30, 2022, Petitioner received a monthly COVID-19 supplement of \$216.00 resulting in Petitioner receiving a FAP benefit of \$516.00 (\$216.00 + 300.00).
12. On May 1, 2025, the Department notified Petitioner of the overpayment.
13. On May 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 it did not consider Petitioner's receipt of RSDI 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.

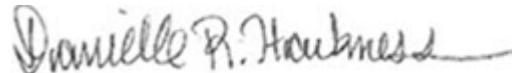
From September 1, 2022, through November 30, 2022, Petitioner was issued \$1,491.00 in FAP benefits. The Department issued these FAP benefits to Petitioner without properly considering Petitioner's receipt of RSDI income from September 1, 2022, through November 30, 2022. This caused the Department to issue Petitioner more FAP benefits than Petitioner was eligible to receive. The overpayment was due to an agency error as the Department's system failed to update timely resulting in the Department failing to consider Petitioner's receipt of RSDI income before issuing Petitioner FAP benefits. Because Petitioner was receiving RSDI income from September 1, 2022, through November 30, 2022, Petitioner was eligible for \$0.00 per month in FAP benefits from September 1, 2022, through November 30, 2022.

In this case, the Department presented sufficient evidence to establish that the total amount overpaid was \$1,491.00, from September 1, 2022, through November 30, 2022, 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 \$1,491.00 for FAP benefits issued to Petitioner from September 1, 2022, through November 30, 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 \$1,491.00 for FAP benefits that were overissued to Petitioner from September 1, 2022, through November 30, 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:

Agency Representative

DEQUINDRE WILLIAMSON

OVERPAYMENT ESTABLISHMENT SECTION (OES)

235 S GRAND AVE STE 811

LANSING, MI 48933

MDHHS-RECOUPMENT-HEARINGS@MICHIGAN.GOV

Respondent

OSCODA COUNTY DHHS

200 W 5TH ST

MIO, MI 48647

MDHHS-OSCODA-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC1

B CABANAW

M HOLDEN

Via First Class Mail:

Petitioner

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