



Date Mailed: November 18, 2025
Docket No.: 25-023268
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

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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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Docket No.: 25-023268

Case No.: [REDACTED]

Petitioner: [REDACTED]

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; 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 telephone conference on November 5, 2025. Petitioner appeared and was unrepresented. Jill Baumgardner, Michigan Rehabilitation Services, appeared as a witness for Petitioner. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Walita Randle, Overpayment Establishment Analyst (OEA).

During the hearing, the Department's hearing summary packet was admitted as Exhibit A, pp. 1-51 and Petitioner's additional documentation was admitted as Exhibit 1, pp. 1-11.

ISSUE

Did the Department properly determine that Petitioner received Food Assistance Program (FAP) benefits that she was not eligible for and must be recouped?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. From September 1, 2024 through March 31, 2025, Petitioner received FAP benefits totaling \$1,944.00. (Exhibit A, pp. 13-14)
2. On February 27, 2025, Petitioner submitted a Redetermination and reported receiving two Retirement, Survivors, and Disability Insurance (RSDI) payments. (Exhibit A, pp. 42-49)
3. On August 19, 2024, Petitioner submitted a Semi-Annual Contact Report and reported her income had changed from the listed employment income of \$ [REDACTED] monthly, and that there were changes regarding all the other income questions. (Exhibit A, pp. 39-41)
4. The Department received verification of Petitioner's income from Social Security Administration (SSA) issued RSDI benefits. (Exhibit A, pp. 30-35)

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5. On May 22, 2025, the Department noted that the RSDI payment of \$ [REDACTED] was removed from Petitioner's case from July 1, 2024 through March 31, 2025. (Exhibit A, p. 5)
 6. The Department determined that Petitioner was overissued FAP benefits from September 1, 2024 through March 31, 2025, in the amount of \$1,783.00, due to the Department failing to correctly budget RSDI income. (Exhibit A, pp. 15-29)
 7. On May 22, 2025, the Department sent Petitioner a Notice of Overissuance instructing her that a \$1,783.00 overissuance of FAP benefits occurred from September 1, 2024 through March 31, 2025, due to agency error of removing one of the RSDI payments from the case, and the overissuance would be recouped. (Exhibit A, pp. 6-11)
 8. On June 10, 2025, the Department received Petitioner's request for hearing protesting the recoupment of FAP benefits. (Exhibit A, p. 4)

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.

Department policy requires clients to completely and truthfully answer all questions on forms and in interview. BAM 105 (March 1, 2024) p. 7. Generally, clients must also report changes in circumstance that potentially affect eligibility or benefit amount within 10 days. BAM 105, pp. 10-12.

For FAP, the Department will act on a change reported by means other than a tape match within 10 days of becoming aware of the change. BAM 220, November 1, 2023, p. 7. A pended negative action occurs when a negative action requires timely notice based on the eligibility rules in this item. Timely notice means that the action taken by the department is effective at least 12 calendar days following the date of the department's action. BAM 220, p. 13.

When a client group receives more benefits than it is entitled to receive, the Department must attempt to recoup the overpayment. BAM 700, June 1, 2024, p. 1. An agency error is a type of overpayment or underissuance resulting from an incorrect action or failure to

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take action by the state agency. A client error is a type of overpayment or underissuance resulting from inaccurate reporting on the part of the household. BAM 700, p. 5. An overpayment may involve more than one overpayment type. If an agency error and client error occur in the same OP period, process as an agency error. BAM 700, p. 3. Agency and client errors are not pursued if the OP amount is equal to or less than \$250 per program. BAM 700 p. 5.

The Department determined that Petitioner was overissued FAP benefits from September 1, 2024 through March 31, 2025, in the amount of \$1,783.00, due to the Department failing to correctly budget RSDI income. (Exhibit A, pp. 15-29).

On February 27, 2025, Petitioner submitted a Redetermination and reported receiving two RSDI payments. (Exhibit A, pp. 42-49). On August 19, 2024, Petitioner submitted a Semi-Annual Contact Report and reported her income had changed from the listed employment income of \$ [REDACTED] monthly and that there were changes regarding all the other income questions. (Exhibit A, pp. 39-41).

The Department received verification of Petitioner's income from SSA issued RSDI benefits. (Exhibit A, pp. 30-35). On May 22, 2025, the Department noted that the RSDI payment of \$ [REDACTED] was removed from Petitioner's case from July 1, 2024 through March 31, 2025. (Exhibit A, p. 5). The Department determined that Petitioner was overissued FAP benefits from September 1, 2024 through March 31, 2025, in the amount of \$1,783.00, due to the Department failing to correctly budget RSDI income. (Exhibit A, pp. 15-29). Accordingly, on May 22, 2025, the Department sent Petitioner a Notice of Overissuance instructing her that a \$1,783.00 overissuance of FAP benefits occurred from September 1, 2024 through March 31, 2025, due to agency error of removing one of the RSDI payments from the case, and the overissuance would be recouped. (Exhibit A, pp. 6-11).

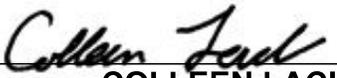
Petitioner credibly testified that she tried to alert the Department that they had not correctly budgeted her income. (Petitioner Testimony). Petitioner's testimony is supported by her marking that there were income changes on the Semi-Annual Contact Report and an email from the Department to SSA indicating Petitioner reported receiving an additional claim. (Exhibit A, pp. 30 and 39-49). However, the Department is still required to recoup the overpayment even though it was caused by Department error.

Overall, the evidence supports the Department's determination that Petitioner received an overpayment of FAP benefits from September 1, 2024 through March 31, 2025, due to agency error of failing to correctly budget the RSDI income. Therefore, the Department properly sought recoupment of the alleged \$1,783.00 agency error overpayment of FAP benefits from Petitioner.

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 FAP benefits that she was not eligible for and must be recouped.

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



COLLEEN LACK
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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