



**Date Mailed:** August 15, 2025  
**Docket No.:** 25-026082  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED]  
MI [REDACTED]

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

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

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**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 August 7, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Marlena Gillis-Spann, Overpayment Establishment Analyst (OEA).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-53.

### **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 April 1, 2021 to December 31, 2021, Petitioner received FAP benefits subject to recoupment totaling \$4,514.00. (Exhibit A, pp. 16-20)
2. On [REDACTED] 2021, Petitioner submitted an Assistance Application for State Emergency Relief (SER). Petitioner reported no employment or other income. (Exhibit A, pp. 39-43)
3. On October 1, 2021, a Notice of Case Action was issued to Petitioner approving FAP benefits. A budget summary was included showing no earned or other income was included in the FAP budget. The Notice reminded Petitioner of the responsibility to report changes, including changes in income, within 10 days. (Exhibit A, pp. 44-48)
4. Employment verification documented that Petitioner was employed with [REDACTED] starting January 1, 2021. Petitioner's earnings from December 31, 2020 to April 22, 2022 were documented. (Exhibit A, pp. 49-52)

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5. The Department determined that Petitioner was overissued FAP benefits from April 1, 2021 to December 31, 2021, in the amount of \$3,989.00, due to client error of failing to timely report employment income. (Exhibit A, pp. 8, 15, and 20-38)
  6. On May 22, 2025, the Department sent Petitioner a Notice of Overissuance instructing her that a \$3,989.00 overissuance of FAP benefits occurred from April 1, 2021 to December 31, 2021, due to client error and would be recouped. (Exhibit A, pp. 9-14)
  7. On July 15, 2025, the Department received Petitioner's request for a hearing protesting the recoupmnt of FAP benefits. (Exhibit A, pp. 4-6)

### **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 (July 1, 2020) p. 9. Clients must also report changes in circumstance that potentially affect eligibility or benefit amount within 10 days. BAM 105, pp. 11-13.

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. A change report by tape match is to be acted upon within 45 days. BAM 220, January 1, 2021, 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. 12.

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 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

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700, p. 5. Agency and client errors are not pursued if the OP amount is equal to or less than \$250 per program. BAM 700 p. 5.

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The Department determined that Petitioner was overissued FAP benefits from April 1, 2021 to December 31, 2021, in the amount of \$3,989.00, due to client error of failing to timely report employment income. (Exhibit A, pp. 8, 15, and 20-38). Accordingly, on May 22, 2025, the Department sent Petitioner a Notice of Overissuance instructing her that a \$3,989.00 overissuance of FAP benefits occurred from April 1, 2021 to December 31, 2021, due to client error and would be recouped. (Exhibit A, pp. 9-14).

On March 3, 2021, Petitioner submitted an Assistance Application for SER. Petitioner reported no employment or other income. (Exhibit A, pp. 39-43). On October 1, 2021, a Notice of Case Action was issued to Petitioner approving FAP benefits. A budget summary was included showing no earned or other income was included in the FAP budget. The Notice reminded Petitioner of the responsibility to report changes, including changes in income, within 10 days. (Exhibit A, pp. 44-48).

However, employment verification documented that Petitioner was employed with Genesee Intermediate School District starting January 1, 2021. Petitioner's earnings from December 31, 2020 to April 22, 2022 were documented. (Exhibit A, pp. 49-52). There was no evidence that Petitioner reported the [REDACTED] employment within 10 days of the first pay date or on the March 3, 2021 SER application. The Department determined that Petitioner was overissued FAP benefits from April 1, 2021 to December 31, 2021, in the amount of \$3,989.00, due to client error of failing to timely report this employment income. The Department noted that the month of August 2021 was not induced due to FAP pandemic policy in effect at that time. (Exhibit A, pp. 8, 15, and 20-38).

Petitioner asserted that the verification the Department received was inaccurate. Petitioner explained that this was the beginning of COVID-19 and she was not working. Petitioner was in the hospital in a coma for three months, then transferred to another hospital when she woke up from the coma for a therapeutic rehabilitation program. Petitioner asserted that she does not get paid if she does not work. Petitioner stated that someone else was handling her affairs during that time because she was unable to. (Petitioner Testimony). However, Petitioner did not submit any documentary evidence from Genesee Intermediate School District to establish that she was not paid. Petitioner stated she had medical records she could submit. (Petitioner Testimony). However, medical records would not establish that the school district was not continuing to pay Petitioner as documented on the verification they submitted to the Department. The verification provided specific check dates, gross pay, and deposit amounts. (Exhibit A, p. 52).

The above cited BAM 700 policy requires the Department to recoup the overpayment when a client group receives more benefits than it is entitled to receive. This includes

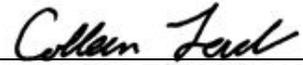
overpayments caused by client or agency errors when the amount is at least \$250 per program.

Overall, the evidence supports the Department's determination that Petitioner received an overpayment of FAP benefits from April 1, 2021 to December 31, 2021, in the amount of \$3,989.00, due to client error of failing to timely report employment income. Therefore, the Department properly sought recoupment of a \$3,989.00 client 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 the \$3,989.00 overpayment of FAP benefits from April 1, 2021 to December 31, 2021, due to client error, which must be recouped.

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



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**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](mailto: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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**Petitioner**

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