



Date Mailed: September 26, 2025

Docket No.: 25-028512

Case No.: [REDACTED]

Petitioner: [REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
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দ্বারা অনুবাদ করুন।

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lутем, кини дикë та пëркtheni dokumentin.

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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; 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 September 18, 2025. Petitioner appeared unrepresented. J. Morris, Overpayment Establishment Analyst, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted into evidence during the hearing as MDHHS Exhibit A, pp. 1-57.

ISSUE

Did MDHHS properly determine that Petitioner received an overpayment (OP)/overissuance (OI) of Food Assistance Program (FAP) benefits based on 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. Petitioner was an ongoing recipient of FAP. Petitioner's benefit period was October 1, 2024 to March 31, 2025 (Exhibit A, p. 25).
2. On March [REDACTED] 2025, Petitioner submitted a FAP renewal to MDHHS (Exhibit A, p. 42).
3. On March [REDACTED] 2025, MDHHS sent Petitioner a Notice of Case Action indicating that FAP benefits would close, effective April 1, 2025 ongoing, because verification of earned income was not received (Exhibit A, pp. 30-31).
4. On April [REDACTED] 2025, MDHHS completed a FAP interview with Petitioner by telephone (Exhibit A, p. 44).
5. On April [REDACTED] 2025, MDHHS sent Petitioner a Notice of Case Action indicating that FAP benefits were approved, effective April 1, 2025 ongoing (Exhibit A, p. 35).
6. On July [REDACTED] 2025, MDHHS sent Petitioner a Notice of Overissuance (Overpayment (OP)) indicating that Petitioner was overissued FAP benefits in the amount of

\$ [REDACTED] from April 1, 2025 to April 30, 2025 (OP Period) (Exhibit A, p. 14). The notice stated that the OP was due to agency error because the Department certified FAP benefits without completing the redetermination interview (Exhibit A, p. 14).

7. On July 29, 2025, Petitioner requested a hearing regarding the alleged OP (Exhibit A, p. 5).

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. MDHHS 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, MDHHS alleged that Petitioner received an OP of FAP benefits based on agency error because MDHHS improperly certified his eligibility for benefits. MDHHS alleged that the certification was improper because the interview requirement was not completed timely at redetermination.

When a client group receives more benefits than entitled to receive, MDHHS must attempt to recoup the OP as a recipient claim. 7 CFR 273.18(a)(2); BAM 700 (June 2024), p. 1. The amount of an OP is the benefit amount the client actually received minus the amount the client was eligible to receive. 7 CFR 273.18(c)(1); BAM 700, p. 2. An OP can be caused by client error, agency error, or an intentional program violation. BAM 700, p. 2. An agency error is caused by incorrect action by MDHHS staff or Department processes. *Id.* Agency errors are not pursued if less than \$250.00 per program. *Id.*

MDHHS must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (February 2025), p. 1. The redetermination/renewal process includes thorough review of all eligibility factors. *Id.* For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 3. If the client does not begin the redetermination process, MDHHS allows the benefit period to expire. *Id.* MDHHS generates a redetermination packet to send to the client on the fourth day of the month before the redetermination is due. *Id.*, p. 8. Clients are required to return the redetermination/renewal packet. A redetermination/renewal packet is considered complete when all the sections of the redetermination form including the signature section are completed. *Id.*, p. 13. Interview

requirements are determined by the program that is being redetermined. BAM 210, p. 5. For FAP, an interview is required before denying a redetermination even if it is clear from the redetermination/renewal form or other sources that the group is ineligible. *Id.*

The FAP redetermination must be completed by the end of the current benefit period so that the client can receive uninterrupted benefits by the normal issuance date. BAM 210, p. 20. If timely redetermination procedures are met, but too late to meet the normal issuance date, MDHHS must issue benefits within five workdays. *Id.* MDHHS must issue a payment for lost benefits if the client is not at fault for delayed processing that prevented participation in the first month. *Id.* The group loses its right to uninterrupted FAP benefits if it fails to do any of the following: (i) file the FAP redetermination by the timely filing date; (ii) participate in the scheduled interview; or (iii) submit verifications timely, provided the requested submittal date is after the timely filing date. *Id.*, pp. 21-22. Any of these reasons can cause a delay in processing the redetermination. When the group is at fault for the delay, the redetermination must be completed within 30 days of the compliance date. If there is no refusal to cooperate and the group complies by the 30th day, MDHHS must issue benefits within 30 days of the compliance date, and the benefits are not prorated.

If a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. BAM 210, p. 22. If the client takes the required action within 30 days after the end of the benefit period, MDHHS is required to re-register the redetermination application using the date the client completed the process; and if the client is eligible, prorate the benefits from the date the redetermination application was registered. *Id.*

Here, Petitioner submitted the renewal packet timely, and there was no indication that he was refusing to cooperate with the redetermination process. There was also insufficient evidence to conclude that Petitioner caused the delay in the completion of the interview requirement. The record shows that Petitioner's benefit period ended March 31, 2025 and the interview was completed on April █ 2025. MDHHS alleged that it certified Petitioner's benefits on April █ 2025 in error, because Petitioner should have submitted a new application for FAP. However, MDHHS failed to adequately explain why Petitioner's FAP case could not be certified under subsequent processing rules. Additionally, there was insufficient evidence to conclude that Petitioner failed to return verifications in a timely manner. Pursuant to subsequent processing rules, MDHHS should have re-registered the redetermination application and prorated the benefits from April █ 2025.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined that Petitioner received in OP of FAP benefits in the amount of \$ [REDACTED]

Accordingly, MDHHS' decision is **REVERSED. IT IS ORDERED** that MDHHS delete the FAP OP in its entirety and cease any recoupment/collection action.



LINDA JORDAN
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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