



**Date Mailed:** September 25, 2025  
**Docket No.:** 25-031535  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED]  
[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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**Docket No.:** 25-031535

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

### **HEARING DECISION**

On August 22, 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 September 23, 2025. [REDACTED] Authorized Hearing Representative, appeared on behalf of Petitioner. The Department of Health and Human Services (Department) was represented by Jason Morris, Departmental Analyst.

A 73-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 \$2,498.00 for FAP benefits that were overpaid to Petitioner from August 1, 2024, through May 31, 2025, 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 [REDACTED] 2024, Petitioner applied for FAP benefits and reported that Petitioner was a full-time college student.
2. On August 21, 2024, an interview was held with Petitioner and Petitioner reported that Petitioner began working for [REDACTED] in May 2024 and last worked on August 15, 2024, with a last paycheck received on August 22, 2024. Petitioner reported that Petitioner's employment was ending as Petitioner is attending [REDACTED]
3. On August 22, 2024, the Department received verification that Petitioner's income from [REDACTED] ended on August 21, 2024.
4. On September 5, 2024, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$20.00 from [REDACTED] 2024, to August 31, 2024, and \$291.00 per month from September 1, 2024, to July 31, 2025. The notice instructed Petitioner to report to

the Department when Petitioner's household income exceeds the simplified reporting income limit of [REDACTED]

5. On December 4, 2024, Petitioner submitted a renew benefits form and reported receiving income from a donation or contribution from an individual outside Petitioner's FAP group. No other changes were reported.
6. On December 17, 2024, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$292.00 per month from February 1, 2025, to July 31, 2025. The notice further advised Petitioner to report any changes to the Department within 10 days.
7. On February 15, 2025, Petitioner received employment income from [REDACTED]
8. On April 1, 2025, Petitioner submitted a report changes form reporting employment at [REDACTED] that began February 2, 2025, with a first paycheck received on February 25, 2025. Petitioner reported working an average of 19 hours per week and earning [REDACTED] per hour.
9. On April 2, 2025, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$46.00 per month from May 1, 2025, to July 31, 2025. The notice further advised Petitioner to report any changes to the Department within 10 days.
10. On April 30, 2025, Petitioner returned to work at [REDACTED]
11. On May 1, 2025, the Department mailed a notice of case action to Petitioner notifying Petitioner that FAP benefit was closed beginning June 1, 2025, because Petitioner was an ineligible student.
12. The Department failed to timely update Petitioner's FAP eligibility from August 1, 2024, to May 31, 2025, as Petitioner reported that Petitioner was a full-time student.
13. The Department issued Petitioner \$2,498.00 in FAP benefits from August 1, 2024, to May 31, 2025.
14. On August 11, 2025, the Department notified Petitioner of the overpayment.
15. On August 22, 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

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Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

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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.

A full-time student is ineligible for FAP benefits unless the student meets one of the following criteria: receiving Family Independence Program (FIP) assistance; enrolled as a result of a Job Training Partnership Act (JTPA) program; enrolled as a result of a program under Section 236 of the Trade Readjustment Act of 1974; enrolled in a FAE&T or FAE&T plus and either part of a career and technical education program as defined under the Perkins Strengthening Career and Technical Education Act and a course of study that will lead to employment or the student is limited to remedial courses, basic adult education, literacy, or English as a second language; participating in an employment and training program for low-income households operated by state and local government where one or more components of such program is at least equivalent to an acceptable FAP employment and training program component such as a program under the Carl D. Perkins Career and Technical Education Improvement Act of 2006; participating in another state or local government employment and training program; physically or mentally unfit for employment; employed for at least an average of 20 hours per week and paid for such employment; self-employed for at least an average of 20 hours per week and earning an average weekly income at least equivalent to the federal minimum wage multiplied by 20; participating in an on-the-job training program; participating in a state or federally funded work study program; providing more than half of the physical care of a group member under the age of six, or providing more than half of the physical care of a group member age six through eleven if the local office has determined that adequate child care is unavailable to enable the student to participate in work or work study. BEM 245 (July 1, 2023), pp. 4-6.

In this case, the Department determined that it overpaid FAP benefits to Petitioner because it did not properly consider that Petitioner was an ineligible student. When a client receives more benefits than the client was entitled to receive, the Department must attempt to recoup the overpayment. BAM 700 (June 1, 2024), 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 overpayment 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 August 1, 2024, to May 31, 2025, Petitioner was overpaid \$2,498.00 in FAP benefits. The Department issued these FAP benefits to Petitioner without properly considering Petitioner's ineligible student status. This caused the Department to issue Petitioner more FAP benefits than Petitioner was eligible to receive. Therefore, the

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overpayment in this matter was due to an agency error because the agency failed to consider Petitioner's ineligible student status after Petitioner reported that Petitioner was a full-time student at [REDACTED] when Petitioner applied for FAP benefits on [REDACTED] 2024.

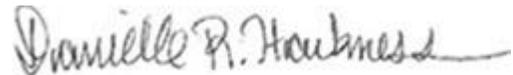
Based on Petitioner's ineligible student status, Petitioner was eligible for \$0.00 in FAP benefits from August 1, 2024, to May 31, 2025.

Here, the Department presented sufficient evidence to establish that the total amount overpaid was \$2,498.00, from August 1, 2024, to May 31, 2025, 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 \$2,498.00 for FAP benefits issued to Petitioner from August 1, 2024, to May 31, 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 the Department acted in accordance with its policies and the applicable law when it determined that Petitioner owes the Department a debt of \$2,498.00 for FAP benefits that were overpaid to Petitioner from August 1, 2024, to May 31, 2025.

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



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**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](http://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.

**Via Electronic Mail:**

**Agency Representative**

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**Via First Class Mail:**

**Petitioner**

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