



Date Mailed: September 29, 2025
Docket No.: 25-032095
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] MI [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: September 29, 2025

Docket No.: 25-032095

Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

On August 22, 2025, Petitioner [REDACTED] guardian, [REDACTED] requested a hearing on Petitioner's behalf 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 25, 2025. [REDACTED] appeared on behalf of Petitioner. The Department of Health and Human Services (Department) was represented by Julie Luczak, Overpayment Establishment Analyst.

An 83-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 \$1,118.00 for FAP benefits that were overpaid to Petitioner from November 1, 2023, to February 29, 2024?

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 2020 to 2023, Petitioner reported a physical disability. No mental disability was reported.
2. Petitioner was approved for [REDACTED] per week in unemployment compensation benefits (UCB) with a benefit year beginning February 5, 2023, to February 3, 2024.
3. On [REDACTED] 2023, Petitioner applied for FAP benefits. Petitioner's signature on the application certified that Petitioner acknowledged and understood Petitioner's rights and responsibilities to timely report changes in household circumstances to the Department.
4. On Petitioner's [REDACTED] 2023, application, Petitioner reported receiving [REDACTED] in UCB on a biweekly basis. No other employment or income was reported.

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5. On March 23, 2023, Petitioner completed an interview with the Department and reported receiving ██████ in UCB on a biweekly basis. Petitioner reported that Petitioner was fired from ██████ beginning February 5, 2023, and received Petitioner's last pay from this employer on February 10, 2023. Petitioner's rights and responsibilities were reviewed with Petitioner.
 6. During the March 23, 2023, interview, Petitioner reported having no disabilities.
 7. On March 23, 2023, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$145.00 from March 16, 2023, to March 31, 2023, and \$269.00 per month from April 1, 2023, to February 29, 2024, based on ██████ in unearned income. The notice instructed Petitioner to report to the Department any changes in Petitioner's household circumstances within 10 days. A blank change report was also provided for Petitioner to report any changes.
 8. On July 10, 2023, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$281.00 per month from August 1, 2023, to February 29, 2024, based on ██████ in income. The notice instructed Petitioner to report to the Department when Petitioner's household income exceeds the simplified reporting (SR) income limit of ██████
 9. On April 22, 2024, the Department received a wage match report stating that Petitioner had gross earnings of ██████ from Petitioner's employment at ██████ during the 4th quarter of 2023.
 10. On May 7, 2024, a Wage Match Client Notice was received by the Department reporting that Petitioner worked for ██████ from September 11, 2023, to February 9, 2024, with a last paycheck received on February 19, 2024.
 11. From November 1, 2023, to February 29, 2024, Petitioner received \$291.00 per month in FAP benefits.
 12. From November 2023 to February 2024, Petitioner received the following in gross wages from Petitioner's employment at ██████:
 - a. ██████ in November 2023
 - b. ██████ in December 2023
 - c. ██████ in January 2024
 - d. ██████ in February 2024

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13. Petitioner did not timely report when Petitioner's income exceeded the SR income limit of [REDACTED]
 14. The Department was unaware of the total amount of Petitioner's income, so the Department continued to issue FAP benefits to Petitioner without properly budgeting Petitioner's income.
 15. On April 25, 2024, the Department became aware of Petitioner's unreported income that was not being considered when issuing Petitioner's FAP benefits from November 1, 2023, to February 29, 2024, via a wage match report.
 16. The Department recalculated Petitioner's FAP benefit amount from November 1, 2023, to February 29, 2024, by budgeting Petitioner's household's income. The Department determined that Petitioner was eligible for FAP benefits of \$23.00 from November 1, 2023, to November 30, 2023, [REDACTED] per month from December 1, 2023, to January 31, 2024, and \$23.00 from February 1, 2024, to February 29, 2024.
 17. The Department determined that Petitioner was overpaid \$1,118.00 in FAP benefits from November 1, 2023, to February 29, 2024.
 18. On July 16, 2024, the Department notified Petitioner of the overpayment.
 19. On July 16, 2024, a FAP client error claim was established.
 20. On July 26, 2025, an IPV Repayment Agreement and Waiver of Disqualification Hearing signed by Petitioner was received by the Department.
 21. On August 14, 2025, a FAP IPV claim was established for \$741.00 for the overpayment period of November 1, 2023, to February 29, 2024. The claim amount was reduced by \$377.00 to reflect the amount paid on the FAP client error claim that was established on July 16, 2024.
 22. A 12-month FAP disqualification was imposed from September 1, 2025, to August 31, 2026.
 23. On August 14, 2025, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner FAP benefit case was closed beginning September 1, 2025, due to a FAP IPV disqualification.
 24. On August 22, 2025, an Order Regarding Appointment of Temporary Guardian of Incapacitated Individual and Letter of Guardianship was signed by Judge John D. Tomlinson appointing Petitioner's AHR as Petitioner's temporary guardian.
 25. On August 22, 2025, Petitioner requested a hearing to dispute the overpayment.

CONCLUSIONS OF LAW

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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 properly budget Petitioner's income. 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. 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 November 1, 2023, to February 29, 2024, Petitioner was issued \$1,164.00 in FAP benefits. These benefits were issued to Petitioner without properly budgeting Petitioner's income. This caused the Department to issue Petitioner more FAP benefits than Petitioner was eligible to receive. The overpayment was due to Petitioner's error because Petitioner did not report when Petitioner's income exceeded the SR limit of ██████████. Based on Petitioner's income, Petitioner was eligible for FAP benefits of \$23.00 from November 1, 2023, to November 30, 2023, \$0.00 per month from December 1, 2023, to January 31, 2024, and \$23.00 from February 1, 2024, to February 29, 2024. Thus, Petitioner was overpaid \$1,118.00 in FAP benefits from November 1, 2023, to February 29, 2024.

At the hearing, ██████████ argued that Petitioner had a mental disability that prevented Petitioner from understanding Petitioner's rights and responsibilities during the overpayment period from November 1, 2023, to February 29, 2024. However, the evidence shows that Petitioner was working during the overpayment period from November 1, 2023, to February 29, 2024, and no mental disability was reported to the Department that would have impacted Petitioner's ability to understand Petitioner's rights and responsibilities. Further, no evidence was presented to show that Petitioner had a mental disability that prevented Petitioner from understanding Petitioner's rights and responsibilities during the overpayment period from November 1, 2023, to February 29, 2024.

██████████ also argued that Petitioner did not have the capacity to sign the IPV Repayment Agreement and Waiver of Disqualification Hearing that was signed by Petitioner on July 26, 2025. However, the evidence shows that Petitioner's guardianship was ordered by the court on August 22, 2025, and no evidence was presented to show that Petitioner did not have the capacity to sign the July 26, 2025, agreement and

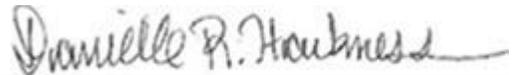
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waiver. In this case, the Department properly instructed Petitioner of the SR requirements and Petitioner failed to report when Petitioner's income exceeded the SR limit. Further, no evidence was presented to show that the Department's actions were improper.

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 \$1,118.00 for FAP benefits that were overpaid to Petitioner from November 1, 2023, to February 29, 2024.

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

JULIE LUCZAK
OVERPAYMENT ESTABLISHMENT SECTION (OES)
235 S GRAND AVE STE 811
LANSING, MI 48933
MDHHS-RECOUPMENT-HEARINGS@MICHIGAN.GOV

Respondent

ST CLAIR COUNTY DHHS
1430 MILITARY ST UNIT 4
PORT HURON, MI 48060
MDHHS-STCLAIR-HEARINGS@MICHIGAN.GOV

Via First Class Mail:

Petitioner

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Authorized Hearing Rep

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