



**Date Mailed:** September 26, 2025  
**Docket No.:** 25-032106  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

This is an important legal document. Please have someone translate the document.

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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.:** 25-032106

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

### **HEARING DECISION**

On August 14, 2025, Petitioner 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 25, 2025. Petitioner's Authorized Hearing Representative (AHR) [REDACTED] appeared at the hearing on Petitioner's behalf. The Department of Health and Human Services (Department) was represented by Mary Peterson, Overpayment Establishment Analyst.

A 60-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

A 2-page email and attachment provided by Petitioner's AHR was admitted collectively as Petitioner's Exhibit 1.

### **ISSUE**

Did the Department properly determine that Petitioner owes the Department a debt of \$3,132.00 for FAP benefits that were overpaid to Petitioner from July 1, 2024, to June 30, 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] 2022, Petitioner submitted a Michigan Combined Application Project (MiCAP) redetermination and responded "No" when asked, "Do you have any other income other than Supplemental Security Income (SSI)?"
2. On July 11, 2022, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$231.00 per month from August 1, 2022, to July 31, 2025.
3. On October 7, 2022, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$262.00 per month from October 1, 2022, to July 31, 2025.

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4. In December 2022, Petitioner began receiving Retirement, Survivors, Disability Insurance (RSDI) income.
  5. On October 6, 2023, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$241.00 per month from November 1, 2023, to July 31, 2025.
  6. On February 17, 2024, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$261.00 per month from April 1, 2024, to July 31, 2025.
  7. On June 17, 2025, Petitioner submitted a MiCAP redetermination and reported receiving SSI and Social Security Administration (SSA) income.
  8. When Petitioner submitted the June 17, 2025, MiCAP redetermination, the Department became aware of a system error that resulted in the monthly SSA data exchange failing to interface. Therefore, Petitioner's receipt of RSDI income was not considered prior to the issuance of FAP benefits to Petitioner from July 1, 2024, to June 30, 2025.
  9. On June 18, 2025, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner's FAP benefits would close effective July 1, 2025. The June 18, 2025, notice indicated, "Your case was closed because you receive RSDI and reduced SSI. MiCAP is an SSI only income program – BEM 618. You will be sent a closure letter and an 1171 Assistance Application to apply for Food Assistance in your local county or online at: MI Bridges (michigan.gov)."
  10. From July 1, 2024, to June 30, 2025, Petitioner received \$261.00 per month in FAP benefits.
  11. The Department failed to consider that Petitioner was receiving RSDI income since December 2022 before issuing FAP benefits to Petitioner from July 1, 2024, to June 30, 2025.
  12. The Department issued Petitioner \$3,132.00 in FAP benefits from July 1, 2024, to June 30, 2025.
  13. On August 8, 2025, the Department notified Petitioner of the overpayment.
  14. On August 14, 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.

In this case, the Department determined that it overpaid FAP benefits to Petitioner because it did not consider Petitioner's receipt of RSDI 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. 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 July 1, 2024, to June 30, 2025, Petitioner was issued \$3,132.00 in FAP benefits. The Department issued these FAP benefits to Petitioner without properly considering Petitioner's receipt of RSDI income. This caused the Department to issue Petitioner more FAP benefits than Petitioner was eligible to receive. The overpayment was due to an agency error as the monthly SSA data exchange failed to interface with the department's system resulting in the Department failing to consider Petitioner's receipt of RSDI income before issuing Petitioner FAP benefits. Because Petitioner began receiving RSDI income in December 2022, Petitioner was ineligible for FAP benefits through MiCAP from July 1, 2024, to June 30, 2025.

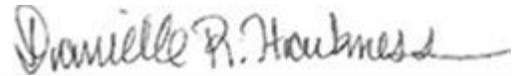
The Department presented sufficient evidence to establish that the total amount overpaid was \$3,132.00, from July 1, 2024, to June 30, 2025, and Petitioner's AHR did not present any evidence to rebut the Department's evidence. Therefore, I must find that the Department properly determined that Petitioner owes the Department a debt of \$3,132.00 for FAP benefits issued to Petitioner from July 1, 2024, to June 30, 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 \$3,132.00 for FAP benefits that were overpaid to Petitioner from July 1, 2024, to June 30, 2025.

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

25-032106



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**DANIELLE R. HARKNESS  
ADMINISTRATIVE LAW JUDGE**

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**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:**

**Respondent**

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**Via First Class Mail:**

**Authorized Hearing Rep**

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██████████ MI ██████████

**Petitioner**

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