



**Date Mailed:** October 3, 2025

**Docket No.:** 25-032812

**Case No.:** [REDACTED]

**Petitioner:** [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.

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

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### **HEARING DECISION**

On August 28, 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 October 1, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Dawn McKay, Overpayment Establishment Analyst.

A 69-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 \$930.00 for FAP benefits that were overpaid to Petitioner from July 1, 2024, to March 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 submitted an assistance application and reported that Petitioner's husband recently lost his job at [REDACTED] and is looking for work. Petitioner reported that Petitioner's daughter was working at [REDACTED] for an average of 15-20 hours per week, earning [REDACTED] per hour, and being paid on a biweekly basis. No other household employment or income was reported.
2. On May 15, 2024, Petitioner reported to the Department that Petitioner's husband began working at Project Service, Inc. (a/k/a Billerud) on [REDACTED] 2024, for an average of 40 hours per week, and earning [REDACTED] per hour.
3. On May 20, 2024, Petitioner completed an interview with the Department and reported that Petitioner's husband began working at Project Service, Inc. earning [REDACTED] per hour and would receive a first paycheck on May 24, or 31, 2024. Petitioner reported that Petitioner's husband would be working Monday-Friday

from 5:00 a.m. to 1:00 p.m. Petitioner also reported that Petitioner's daughter was still working at [REDACTED] and was receiving [REDACTED] per hour.

4. On May 24, 2024, Petitioner submitted a May 24, 2024, paycheck stub from Project Service, Inc. stating that from May 12-18, 2024, Petitioner's husband worked 19 hours and earned [REDACTED] per hour.
5. The Department incorrectly budgeted Petitioner's husband's earnings at [REDACTED] per hour based on a 40-hour work week  $[REDACTED] \times 40 = [REDACTED] \times 4.3 = [REDACTED]$  when Petitioner had reported earnings at [REDACTED] per hour for 40 hours per week  $[REDACTED] \times 40 = [REDACTED] \times 4.3 = [REDACTED]$
6. On May 30, 2024, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$164.00 per month from June 1, 2024, to May 31, 2025, based on [REDACTED] in earned income.
7. From July 1, 2024, to March 31, 2025, the Department failed to consider Petitioner's husband's earned income of [REDACTED] per hour when paying Petitioner FAP benefits.
8. The Department paid Petitioner [REDACTED] in FAP benefits from July 1, 2024, to March 31, 2025, when Petitioner was only eligible for [REDACTED] in FAP benefits from July 1, 2024, to March 31, 2025.
9. On August 21, 2025, the Department notified Petitioner of the overpayment.
10. On August 28, 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 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 consider Petitioner's group'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. When an overpayment of more than \$250.00 occurs, the Department must pursue recoupment, regardless of whether

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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 March 31, 2025, Petitioner was overpaid \$930.00 in FAP benefits. The Department paid these FAP benefits to Petitioner without properly budgeting Petitioner's husband's earned income. This caused the Department to pay Petitioner more FAP benefits than Petitioner was eligible to receive. The overpayment was due to an agency error because the agency failed to properly budget Petitioner's husband's earned income. Therefore, the Department did not consider Petitioner's group's income before issuing FAP benefits to Petitioner from July 1, 2024, to March 31, 2025.

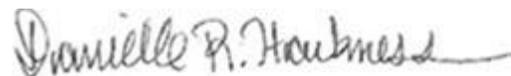
Based on Petitioner's income, Petitioner was eligible for FAP benefits of \$95.00 per month from July 1, 2024, through September 30, 2024; \$66.00 per month from October 1, 2024, to December 31, 2024; and \$31.00 per month from January 1, 2025, to March 31, 2025.

The Department presented sufficient evidence to establish that the total amount overpaid was \$930.00, from July 1, 2024, to March 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 \$930.00 for FAP benefits paid to Petitioner from July 1, 2024, to March 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 \$930.00 for FAP benefits that were overpaid to Petitioner July 1, 2024, to March 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](https://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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**Petitioner**

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