



**Date Mailed:** October 10, 2025

**Docket No.:** 25-033282

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[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.: 25-033282  
Case No.: [REDACTED]  
Petitioner: [REDACTED]

### HEARING DECISION

On September 16, 2025, Petitioner [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) benefit overpayment. As a result, a hearing was scheduled to be held on October 7, 2025. Public assistance hearings are held pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Overpayment Establishment Analyst Lisa Carlson appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 95-page packet of documents provided by the Department was admitted collectively as Exhibit A.

### ISSUE

Did the Department properly determine that Petitioner owes the Department a debt of \$[REDACTED] for Food Assistance Program (FAP) benefits that were overpaid to her for the months of January 2025 through August 2025?

### 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 September [REDACTED] 2024, Petitioner applied to receive FAP benefits from the Department. Petitioner reported in her application that: (a) she had a household size of three - Petitioner lived with her spouse and their child, (b) she was employed by [REDACTED] (c) she was working 27 hours per week and paid \$[REDACTED] per hour, and (d) her household did not have any other income.
2. On September [REDACTED] 2024, the Department interviewed Petitioner to obtain additional information to determine her eligibility. During the interview, Petitioner reported that: (a) she had a household size of three - Petitioner lived with her spouse and their child, (b) she was employed by [REDACTED] (c) she was working 24-27 hours

per week and paid \$█ per hour, and (d) her household did not have any other income. The Department explained Petitioner's rights and responsibilities to her.

3. The Department approved Petitioner for FAP benefits based on the information that Petitioner provided to the Department.
4. On October █ 2024, the Department mailed a notice of case action to Petitioner to notify her that she was approved for FAP benefits. The notice informed Petitioner that she was approved for a FAP benefit amount of \$█ from her application date through the end of September, and she was approved for a FAP benefit amount of \$█ per month thereafter. The notice of case action instructed Petitioner to monitor her household income and notify the Department if her household income exceeded \$2,798.00 in any month. The notice stated, "at the end of the month, total your gross income and compare it to your monthly income limit. If your income is more than the limit . . . you must report this to your specialist by the 10<sup>th</sup> of the following month. . . ."
5. In October 2024, Petitioner's spouse began receiving income from employment at █ Petitioner's spouse received the following gross income from his employment:
  - a. \$█ on October 25, 2024.
  - b. \$█ on November 8, 2024.
  - c. \$█ on November 22, 2024.
  - d. \$█ on December 6, 2024.
  - e. \$█ on December 20, 2024.
  - f. \$█ on January 3, 2025.
  - g. \$█ on January 17, 2025.
  - h. \$█ on January 31, 2025.
  - i. \$█ on February 14, 2025.
  - j. \$█ on February 28, 2025.
  - k. \$█ on March 14, 2025.
  - l. \$█ on March 28, 2025.
  - m. \$█ on April 11, 2025.
  - n. \$█ on April 25, 2025.

- o. \$ [REDACTED] on May 9, 2025.
  - p. \$ [REDACTED] on May 23, 2025.
  - q. \$ [REDACTED] on June 6, 2025.
  - r. \$ [REDACTED] on June 20, 2025.
  - s. \$ [REDACTED] on July 3, 2025.
  - t. \$ [REDACTED] on July 18, 2025.
  - u. \$ [REDACTED] on August 1, 2025.
  - v. \$ [REDACTED] on August 15, 2025.
  - w. \$ [REDACTED] on August 29, 2025.
6. Petitioner received the following gross income from her employment at [REDACTED]
- a. \$ [REDACTED] on October 4, 2024.
  - b. \$ [REDACTED] on October 18, 2024.
  - c. \$ [REDACTED] on November 1, 2024.
7. Petitioner did not notify the Department when her household income began to exceed the \$2,798.00 limit in November 2024.
8. The Department continued to issue FAP benefits to Petitioner as if her household income had not changed.
9. The Department issued the following FAP benefits to Petitioner:
- a. \$ [REDACTED] for January 2025.
  - b. \$ [REDACTED] for February 2025.
10. On January [REDACTED] 2025, Petitioner submitted a form to the Department to renew her eligibility for FAP benefits. Petitioner did not report that her spouse was employed by [REDACTED]
11. The Department approved Petitioner for FAP benefits based on the information that Petitioner provided to the Department.
12. On February [REDACTED] 2025, the Department mailed a notice of case action to Petitioner to notify her that she was approved for FAP benefits. The notice informed Petitioner that she was approved for a FAP benefit amount of \$ [REDACTED] per month,

effective March 1, 2025. The notice stated that Petitioner's FAP benefit amount was based on the following information:

- a. Household size of three.
- b. Earned income of \$ [REDACTED] per month.
- c. Standard deduction of \$204.00 per month.
- d. Child support payments of \$ [REDACTED] per month.
- e. Housing costs of \$1,100.00 per month.
- f. Telephone standard of \$30.00 per month.

13. The Department issued the following FAP benefits to Petitioner:

- a. \$ [REDACTED] for March 2025.
- b. \$ [REDACTED] for April 2025.
- c. \$ [REDACTED] for May 2025.
- d. \$ [REDACTED] for June 2025.
- e. \$ [REDACTED] for July 2025.
- f. \$ [REDACTED] for August 2025.

14. In August 2025, the Department discovered that Petitioner's household had unreported income from her spouse's employment at [REDACTED]

15. The Department reviewed Petitioner's case and redetermined her FAP eligibility. The Department redetermined Petitioner's household income by adding her spouse's earned income from his employment at USPS.

16. The Department determined that Petitioner's spouse's earned income from his employment at [REDACTED] was as follows:

- a. \$ [REDACTED] for January 2025.
- b. \$ [REDACTED] for February 2025.
- c. \$ [REDACTED] for March 2025.
- d. \$ [REDACTED] for April 2025.
- e. \$ [REDACTED] for May 2025.

- f. \$ [REDACTED] for June 2025.
  - g. \$ [REDACTED] for July 2025.
  - h. \$ [REDACTED] for August 2025.
17. The Department determined that Petitioner was ineligible to receive any FAP benefits from January 2025 through August 2025.
  18. The Department determined that it overpaid Petitioner due to Petitioner's error.
  19. The Department determined that it overpaid Petitioner \$ [REDACTED] in FAP benefits because it issued her a total of \$ [REDACTED] for the months of January 2025 through August 2025 when she was not eligible to receive any FAP benefits.
  20. On September 3, 2025, the Department mailed a notice of overissuance to Petitioner to notify her that the Department overpaid her \$ [REDACTED] in FAP benefits for the months of January 2025 through August 2025.
  21. 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 Food Assistance Program (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 Petitioner \$ [REDACTED] in FAP benefits for the months of January 2025 through August 2025. When a client receives more benefits than she 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 2.

The Department determined that it overpaid Petitioner because Petitioner did not notify the Department when her household income exceeded the simplified reporting limit. The Department properly asserted that this was Petitioner's error. The Department determined that the first month that was affected by Petitioner's error was January 2025 because Petitioner's household income first exceeded the simplified reporting limit in November 2024. The first month of overpayment is two months after the actual monthly household income exceeded the simplified reporting limit. BAM 715 (June 1, 2024), p.

4. Since Petitioner's monthly household income first exceeded the simplified reporting limit in November 2024, the Department properly determined that the first month of the overpayment was January 2025.

For the months of January 2025 through August 2025, Petitioner was ineligible to receive any FAP benefits due to her household income. Although the Department properly determined that Petitioner was ineligible to receive any FAP benefits for the months of January 2025 through August 2025, the Department did not properly determine the total amount of FAP benefits that the Department issued to Petitioner for those months. The Department issued \$ [REDACTED] in FAP benefits to Petitioner, but the Department determined that it issued \$ [REDACTED] in FAP benefits to Petitioner. Since the Department issued \$ [REDACTED] in FAP benefits to Petitioner, and since Petitioner was ineligible to receive any FAP benefits, the Department overpaid Petitioner \$ [REDACTED] in FAP benefits. The Department did not properly determine the overpayment amount because the Department determined that it overpaid Petitioner \$ [REDACTED] in FAP benefits. Therefore, the Department's decision is affirmed in part and reversed in part. The Department must redetermine the overpayment amount consistent with this decision.

## **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 it overpaid Petitioner FAP benefits for the months of January 2025 through August 2025, but the Department did not properly determine the overpayment amount.

**IT IS ORDERED** that the Department's decision is **AFFIRMED IN PART AND REVERSED IN PART**. The Department's decision that it overpaid Petitioner FAP benefits for the months of January 2025 through August 2025 is affirmed, but the overpayment amount of \$ [REDACTED] is reversed. The Department must redetermine the overpayment amount consistent with this hearing decision. The Department must begin to implement this order within 10 days from the mailing date of this hearing decision.

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**JEFFREY KEMM**  
**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:**

**Respondent**

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**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]