



**Date Mailed:** October 30, 2025

**Docket No.:** 25-034367

**Case No.:** [REDACTED]

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

[REDACTED]  
[REDACTED]  
[REDACTED]

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Date Mailed: October 30, 2025  
Docket No.: 25-034367  
Case No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

### HEARING DECISION

On September 15, 2025, Petitioner [REDACTED] [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 28, 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 himself. Respondent Michigan Department of Health and Human Services (Department) had Overpayment Establishment Analyst Alicia Seibenich appear as its representative. An Arabic interpreter provided language translation. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 182-page packet of documents provided by the Department was admitted collectively as Exhibit A.

### ISSUES

Did the Department properly determine that Petitioner owes the Department a debt of \$ [REDACTED] for Food Assistance Program (FAP) benefits that were overpaid to him for the months of April 2024 through November 2024?

Did the Department properly determine that Petitioner owes the Department a debt of \$ [REDACTED] for FAP benefits that were overpaid to him for the months of February 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 December [REDACTED] 2023, the Department mailed a notice of case action to Petitioner to notify him that he was approved for FAP benefits. The notice informed Petitioner that he was approved for a FAP benefit amount of \$ [REDACTED] per month, effective December 1, 2023. The notice of case action stated that Petitioner's FAP benefit amount was based on the following information:

- a. Group size of five
  - b. Earned income of \$ [REDACTED] per month
  - c. Standard deduction of \$244.00 per month
  - d. Housing costs of \$ [REDACTED] per month
  - e. Heat/utility standard of \$680.00 per month
2. The December [REDACTED] 2023, notice of case action stated that Petitioner's FAP benefit amount was determined in part based on Petitioner's reported earned income of \$ [REDACTED] per month. The notice of case action instructed Petitioner to monitor his household income and notify the Department if his gross household income exceeded \$3,807.00 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. . . ."
3. The Department issued the following FAP benefits to Petitioner:
  - a. \$ [REDACTED] for April 2024
  - b. \$ [REDACTED] for May 2024
4. On May [REDACTED] 2024, the Department mailed a notice of case action to Petitioner to notify him that he was approved for FAP benefits. The notice informed Petitioner that he was approved for a FAP benefit amount of \$ [REDACTED] per month, effective June 1, 2024. The notice of case action stated that Petitioner's FAP benefit amount was based on the following information:
  - a. Group size of five
  - b. Earned income of \$ [REDACTED] per month
  - c. Standard deduction of \$244.00 per month
  - d. Housing costs of \$ [REDACTED] per month
  - e. Heat/utility standard of \$680.00 per month
5. The Department issued the following FAP benefits to Petitioner:
  - a. \$ [REDACTED] for June 2024
  - b. \$ [REDACTED] for July 2024
  - c. \$ [REDACTED] for August 2024

6. On August █ 2024, the Department mailed a notice of case action to Petitioner to notify him that he was approved for FAP benefits. The notice informed Petitioner that he was approved for a FAP benefit amount of \$█ per month, effective September 1, 2024. The notice of case action stated that Petitioner's FAP benefit amount was based on the following information:

- a. Group size of five
- b. Earned income of \$█ per month
- c. Standard deduction of \$244.00 per month
- d. Housing costs of \$█ per month
- e. Heat/utility standard of \$680.00 per month

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

- a. \$█ for September 2024
- b. \$█ for October 2024
- c. \$█ for November 2024

8. Petitioner received the following gross earnings from his employment at █  
█

- a. \$█ on December 7, 2023
- b. \$█ on December 14, 2023
- c. \$█ on December 21, 2023
- d. \$█ on December 28, 2023
- e. \$█ on January 4, 2024
- f. \$█ on January 11, 2024
- g. \$█ on January 18, 2024
- h. \$█ on January 25, 2024
- i. \$█ on February 1, 2024
- j. \$█ on February 8, 2024
- k. \$█ on February 15, 2024

- l. \$ [REDACTED] on February 22, 2024
- m. \$ [REDACTED] on February 29, 2024
- n. \$ [REDACTED] on March 7, 2024
- o. \$ [REDACTED] on March 14, 2024
- p. \$ [REDACTED] on March 21, 2024
- q. \$ [REDACTED] on March 28, 2024
- r. \$ [REDACTED] on April 4, 2024
- s. \$ [REDACTED] on April 11, 2024
- t. \$ [REDACTED] on April 25, 2024
- u. \$ [REDACTED] on May 2, 2024
- v. \$ [REDACTED] on May 9, 2024
- w. \$ [REDACTED] on May 16, 2024
- x. \$ [REDACTED] on May 23, 2024
- y. \$ [REDACTED] on May 30, 2024
- z. \$ [REDACTED] on June 6, 2024
- aa. \$ [REDACTED] on June 13, 2024
- bb. \$ [REDACTED] on June 20, 2024
- cc. \$ [REDACTED] on June 27, 2024
- dd. \$ [REDACTED] on July 3, 2024
- ee. \$ [REDACTED] on July 11, 2024
- ff. \$ [REDACTED] on July 25, 2024
- gg. \$ [REDACTED] on August 1, 2024
- hh. \$ [REDACTED] on August 8, 2024
- ii. \$ [REDACTED] on August 15, 2024
- jj. \$ [REDACTED] on August 22, 2024

kk. \$ [REDACTED] on August 29, 2024

ll. \$ [REDACTED] on September 5, 2024

mm. \$ [REDACTED] on September 12, 2024

nn. \$ [REDACTED] on September 19, 2024

oo. \$ [REDACTED] on September 26, 2024

pp. \$ [REDACTED] on October 3, 2024

qq. \$ [REDACTED] on October 10, 2024

rr. \$ [REDACTED] on October 17, 2024

ss. \$ [REDACTED] on October 24, 2024

tt. \$ [REDACTED] on October 31, 2024

uu. \$ [REDACTED] on November 7, 2024

vv. \$ [REDACTED] on November 14, 2024

ww. \$ [REDACTED] on November 21, 2024

xx. \$ [REDACTED] on November 27, 2024

9. On November [REDACTED] 2024, the Department mailed a notice of case action to Petitioner to notify him that he was approved for FAP benefits. The notice informed Petitioner that he was approved for a FAP benefit amount of \$ [REDACTED] per month, effective December 1, 2024. The notice of case action stated that Petitioner's FAP benefit amount was based on the following information:

- a. Group size of five
- b. Earned income of \$ [REDACTED] per month
- c. Standard deduction of \$254.00 per month
- d. Housing costs of \$ [REDACTED] per month
- e. Heat/utility standard of \$664.00 per month

10. The November [REDACTED] 2024, notice of case action stated that Petitioner's FAP benefit amount was determined in part based on Petitioner's reported earned income of \$ [REDACTED] per month. The notice of case action instructed Petitioner to monitor his household income and notify the Department if his gross household income

exceeded \$3,963.00 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. . . ."

11. The Department issued the following FAP benefits to Petitioner:
  - a. \$ [REDACTED] for February 2025
  - b. \$ [REDACTED] for March 2025
  - c. \$ [REDACTED] for April 2025
12. On April [REDACTED] 2025, the Department mailed a notice of case action to Petitioner to notify him that he was approved for FAP benefits. The notice informed Petitioner that he was approved for a FAP benefit amount of \$ [REDACTED] per month, effective May 1, 2025. The notice of case action stated that Petitioner's FAP benefit amount was based on the following information:
  - a. Group size of five
  - b. Earned income of \$ [REDACTED] per month
  - c. Standard deduction of \$254.00 per month
  - d. Housing costs of \$ [REDACTED] per month
  - e. Heat/utility standard of \$664.00 per month
13. The Department issued the following FAP benefits to Petitioner:
  - a. \$ [REDACTED] for May 2025
  - b. \$ [REDACTED] for June 2025
  - c. \$ [REDACTED] for July 2025
  - d. \$ [REDACTED] for August 2025
14. Petitioner received the following gross earnings from his employment at [REDACTED]  
[REDACTED]
  - a. \$ [REDACTED] on December 5, 2024
  - b. \$ [REDACTED] on December 12, 2024
  - c. \$ [REDACTED] on December 19, 2024

- d. \$ [REDACTED] on December 26, 2024
- e. \$ [REDACTED] on January 2, 2025
- f. \$ [REDACTED] on January 9, 2025
- g. \$ [REDACTED] on January 16, 2025
- h. \$ [REDACTED] on January 23, 2025
- i. \$ [REDACTED] on January 30, 2025
- j. \$ [REDACTED] on February 6, 2025
- k. \$ [REDACTED] on February 13, 2025
- l. \$ [REDACTED] on February 20, 2025
- m. \$ [REDACTED] on February 27, 2025
- n. \$ [REDACTED] on March 6, 2025
- o. \$ [REDACTED] on March 13, 2025
- p. \$ [REDACTED] on March 20, 2025
- q. \$ [REDACTED] on March 27, 2025
- r. \$ [REDACTED] on April 10, 2025
- s. \$ [REDACTED] on April 17, 2025
- t. \$ [REDACTED] on April 24, 2025
- u. \$ [REDACTED] on May 1, 2025
- v. \$ [REDACTED] on May 8, 2025
- w. \$ [REDACTED] on May 15, 2025
- x. \$ [REDACTED] on May 22, 2025
- y. \$ [REDACTED] on May 29, 2025
- z. \$ [REDACTED] on June 5, 2025
- aa. \$ [REDACTED] on June 12, 2025
- bb. \$ [REDACTED] on June 18, 2025

- cc. \$ [REDACTED] on June 26, 2025
- dd. \$ [REDACTED] on July 3, 2025
- ee. \$ [REDACTED] on July 10, 2025
- ff. \$ [REDACTED] on July 17, 2025
- gg. \$ [REDACTED] on July 24, 2025
- hh. \$ [REDACTED] on July 31, 2025
- ii. \$ [REDACTED] on August 7, 2025
- jj. \$ [REDACTED] on August 14, 2025
- kk. \$ [REDACTED] on August 21, 2025
- ll. \$ [REDACTED] on August 28, 2025

15. The Department reviewed Petitioner's case and determined that Petitioner failed to notify the Department when his household income exceeded the simplified reporting limit in January 2024 and December 2024. The Department determined that this was Petitioner's error, and the Department determined that it caused the Department to overissue FAP benefits to Petitioner.
16. The Department determined that it overissued \$ [REDACTED] in FAP benefits to Petitioner as follows:

Month	FAP issued	Correct benefit	Overissuance
April 2024	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
May 2024	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
June 2024	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
August 2024	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
September 2024	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
October 2024	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
November 2024	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
<b>Total</b>	<b>\$ [REDACTED]</b>	<b>\$ [REDACTED]</b>	<b>\$ [REDACTED]</b>

17. The Department also determined that it overissued \$ [REDACTED] in FAP benefits to Petitioner as follows:

Month	FAP issued	Correct benefit	Overissuance
February 2025	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
April 2025	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
May 2025	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
June 2025	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
July 2025	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
August 2025	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
<b>Total</b>	<b>\$ [REDACTED]</b>	<b>\$ [REDACTED]</b>	<b>\$ [REDACTED]</b>

18. On September [REDACTED] 2025, the Department mailed one notice of overissuance to Petitioner to notify him that the Department overpaid him \$ [REDACTED] in FAP benefits for the months of April 2024 through November 2024.

19. On September [REDACTED] 2025, the Department mailed another notice of overissuance to Petitioner to notify him that the Department overpaid him \$ [REDACTED] in FAP benefits for the months of February 2025 through August 2025.

20. 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 a total of \$ [REDACTED] in FAP benefits because Petitioner failed to notify the Department when his household income exceeded the simplified reporting limit in January 2024 and December 2024.

The Department determined the overpayment amount by processing the overpayment as a client error. Based on the evidence presented, the Department did not properly process the overpayment as a client error. The Department should have processed the overpayment as an agency error because the Department knew that Petitioner's income was over the simplified reporting limit from the beginning. The Department knew that Petitioner's income was over the simplified reporting limit from the beginning because the December █ 2023, notice of case action stated that Petitioner's reported earned income was \$█ which was greater than Petitioner's simplified reporting limit of \$█ at the time. The Department also knew that Petitioner's income was over the simplified reporting limit because the November █ 2024, notice of case action stated that Petitioner's reported earned income was \$█ which was greater than Petitioner's simplified reporting limit of \$█ at the time. Since the Department knew that Petitioner's income was over the simplified reporting limit from the beginning, there was no need for Petitioner to notify the Department that his income was over the simplified reporting limit. Therefore, any overpayment that occurred was due to an agency error.

The Department did not properly determine the overpayment amount because the Department determined the overpayment amount by processing the overpayment as a client error when the Department should have processed it as an agency error. Therefore, the Department's decision is reversed. The Department must reprocess the overpayment as an agency error in accordance with BAM 705.

## **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 did not act in accordance with its policies and the applicable law when it determined that it overpaid Petitioner a total of \$ [REDACTED] in FAP benefits.

**IT IS ORDERED** that the Department's decision is **REVERSED**. The Department must reprocess the overpayment as an agency error in accordance with BAM 705. The Department must begin to implement this order within 10 days from the mailing date of this hearing decision.



**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. 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

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**Via Electronic Mail:**

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