



Date Mailed: November 18, 2025
Docket No.: 25-036619
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED] MI [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.

Date Mailed: November 18, 2025

Docket No.: 25-036619

Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on November 5, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Jeremy Enochs, Overpayment Establishment Analyst (OEA).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-138.

ISSUE

Did the Department properly determine that Petitioner received Food Assistance Program (FAP) benefits that he was not eligible for and must be recouped?

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 June 1, 2022 to July 31, 2022, Petitioner received FAP benefits totaling \$1,506.00. (Exhibit A, pp. 20-22)
2. On October 13 2021, Petitioner submitted a Renew Benefits for his household. No income was reported. (Exhibit A, pp. 71-72)
3. On November 9, 2021, an interview was completed with Petitioner. No income was reported. The rights and responsibilities were reviewed with Petitioner. (Exhibit A, pp. 73-75)
4. On November 22, 2021, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of one effective December 1, 2021. A budget summary was included showing no income was included in the FAP budget. The Notice reminded Respondent of the responsibility to report changes, including changes with income, within 10 days. A blank Change Report form was included. (Exhibit A, pp. 76-83)

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5. On [REDACTED] 2022, Petitioner submitted an Assistance Application for FAP and other benefits. Petitioner reported he had temporary custody of his two children for the next two months. (Exhibit A, pp. 84-92)
 6. On May 3, 2022, an interview was completed with Petitioner. Petitioner reported starting a job with [REDACTED] on May 13, 2022. The rights and responsibilities were reviewed with Petitioner. (Exhibit A, pp. 93-99)
 7. On May 4, 2022, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of one for the month of May 2022, and for a household size of three effective June 1, 2022. The Notice reminded Respondent of the responsibility to report changes, including changes with income, within 10 days. (Exhibit A, pp. 100-104)
 8. On October 28, 2022, Petitioner submitted a Renew Benefits for his household. No income was reported. (Exhibit A, pp. 105-106)
 9. An Employee Wage Match documented that Petitioner had earnings from: [REDACTED] (\$ [REDACTED]) in the first quarter of 2022; [REDACTED] (\$ [REDACTED]) and [REDACTED] [REDACTED] (\$ [REDACTED]) in the second quarter of 2022; [REDACTED] [REDACTED] (\$ [REDACTED]) and [REDACTED] (\$ [REDACTED]) in the third quarter of 2022; and [REDACTED] (\$ [REDACTED]) in the fourth quarter of 2022. (Exhibit A, pp. 44 and 114-117)
 10. On November 7, 2022, an interview was completed with Petitioner. The Wage Match was discussed with Petitioner. Petitioner reported self-employment doing odd jobs in September and October. Petitioner was currently in paid training at Whaley and thought he would get a paycheck November 11, 2022. The rights and responsibilities were reviewed with Petitioner. (Exhibit A, pp. 107-113)
 11. An Earnings Request documented Petitioner's earnings from employment with [REDACTED] from pay dates May 20, 2022 through August 12, 2022. (Exhibit A, pp. 45-47)
 12. A report from The Work Number documented Petitioner's earnings from employment with [REDACTED] from pay dates October 28, 2022 through January 6, 2023. (Exhibit A, pp. 51-52)
 13. The Department determined that Petitioner was overissued FAP benefits from February 1, 2022 to November 30, 2022. However, due to special rules that were in place at that time related to the COVID-19 public health emergency, there was no overpayment for any months with partial FAP eligibility. Therefore, there was only an overpayment from June 1, 2022 to July 31, 2022, in the amount of \$1,506.00, due to client error of failing to timely report income. (Exhibit A, pp. 18-43, 48, 59-70)

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14. On September 3, 2025, the Department sent Petitioner a Notice of Overissuance instructing him that a \$1,506.00 overissuance of FAP benefits occurred from June 1, 2022 to July 31, 2022, due to client error of failing to timely report earned income, and the overissuance would be recouped. (Exhibit A, pp. 12-17)
 15. On October 1, 2025, the Department received Petitioner's request for hearing protesting the recoument of FAP benefits. (Exhibit A, pp. 3-8)

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) [formerly known as the Food Stamp program] 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 (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Department policy requires clients to completely and truthfully answer all questions on forms and in interview. BAM 105 (October 1, 2021) p. 9. Clients must also report changes in circumstance that potentially affect eligibility or benefit amount within 10 days. BAM 105, pp. 11-13.

For FAP, the Department will act on a change reported by means other than a tape match within 10 days of becoming aware of the change. BAM 220, November 1, 2021, p. 7. A pended negative action occurs when a negative action requires timely notice based on the eligibility rules in this item. Timely notice means that the action taken by the department is effective at least 12 calendar days following the date of the department's action. BAM 220, p. 13.

When a client group receives more benefits than it is entitled to receive, the Department must attempt to recoup the overpayment. BAM 700, June 1, 2024, p. 1. An agency error is a type of overpayment or underissuance resulting from an incorrect action or failure to take action by the state agency. A client error is a type of overpayment or underissuance resulting from inaccurate reporting on the part of the household. BAM 700, p. 5. An overpayment may involve more than one overpayment type. If an agency error and client error occur in the same OP period, process as an agency error. BAM 700, p. 3. Agency and client errors are not pursued if the OP amount is equal to or less than \$250 per program. BAM 700 p. 5.

The Department determined that Petitioner was overissued FAP benefits from February 1, 2022 to November 30, 2022. However, due to special rules that were in place at that time related to the COVID-19 public health emergency, there was no overpayment for any months with partial FAP eligibility. Therefore, there was only an overpayment from June 1, 2022 to July 31, 2022, in the amount of \$1,506.00, due to client error of failing to timely report income. (Exhibit A, pp. 18-43, 48, 59-70).

On October 13 2021, Petitioner submitted a Renew Benefits for his household. No income was reported. (Exhibit A, pp. 71-72). On November 9, 2021, an interview was completed with Petitioner. No income was reported. The rights and responsibilities were reviewed with Petitioner. (Exhibit A, pp. 73-75). On November 22, 2021, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of one effective December 1, 2021. A budget summary was included showing no income was included in the FAP budget. The Notice reminded Respondent of the responsibility to report changes, including changes with income, within 10 days. A blank Change Report form was included. (Exhibit A, pp. 76-83).

On [REDACTED] 2022, Petitioner submitted an Assistance Application for FAP and other benefits. Petitioner reported he had temporary custody of his two children for the next two months. (Exhibit A, pp. 84-92). On May 3, 2022, an interview was completed with Petitioner. Petitioner reported starting a job with [REDACTED] on May 13, 2022. The rights and responsibilities were reviewed with Petitioner. (Exhibit A, pp. 93-99). On May 4, 2022, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of one for the month of May 2022, and for a household size of three effective June 1, 2022. The Notice reminded Respondent of the responsibility to report changes, including changes with income, within 10 days. (Exhibit A, pp. 100-104).

On October 28, 2022, Petitioner submitted a Renew Benefits for his household. No income was reported. (Exhibit A, pp. 105-106). An Employee Wage Match documented that Petitioner had earnings from: [REDACTED] (\$ [REDACTED]) in the first quarter of 2022; [REDACTED] (\$ [REDACTED]) and [REDACTED] (\$ [REDACTED]) in the second quarter of 2022; [REDACTED] (\$ [REDACTED]) and [REDACTED] (\$ [REDACTED]) in the third quarter of 2022; and [REDACTED] (\$ [REDACTED]) in the fourth quarter of 2022. (Exhibit A, pp. 44 and 114-117). On November 7, 2022, an interview was completed with Petitioner. The Wage Match was discussed with Petitioner. Petitioner reported self-employment doing odd jobs in September and October. Petitioner was currently in paid training at Whaley and thought he would get a paycheck November 11, 2022. The rights and responsibilities were reviewed with Petitioner. (Exhibit A, pp. 107-113).

An Earnings Request documented Petitioner's earnings from employment with [REDACTED] [REDACTED] from pay dates May 20, 2022 through August 12, 2022. (Exhibit A, pp. 45-47). A report from The Work Number documented Petitioner's earnings from employment with [REDACTED] from pay dates October 28, 2022 through January 6, 2023. (Exhibit A, pp. 51-52). The Department determined that Petitioner was overissued FAP benefits from February 1, 2022 to November 30, 2022. However, due

to special rules that were in place at that time related to the COVID-19 public health emergency, there was no overpayment for any months with partial FAP eligibility. Therefore, there was only an overpayment from June 1, 2022 to July 31, 2022, in the amount of \$1,506.00, due to client error of failing to timely report income. (Exhibit A, pp. 18-43, 48, 59-70).

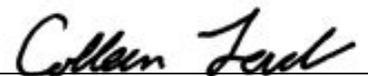
Petitioner testified that he does not recall working for all of the listed employers. For example, he does not know what the reported earnings from [REDACTED] were from. Petitioner noted that he was receiving Child Development and Care (CDC) benefits during this time and asserted he was submitting his pay stubs to the Department. Petitioner also asserted that he only worked at [REDACTED] from February to April. (Petitioner Testimony). The OEA explained that while Petitioner was receiving CDC benefits, he reported he was homeless on the April 28, 2022 Assistance Application. Therefore, there was no income redetermination for the CDC period and he remained eligible for CDC the full certification period. (Exhibit A, p. 84; OEA Testimony). Petitioner stated he did not realize he marked that he was homeless on the application, he lived at the same address since 2021. (Petitioner Testimony). Additionally, the Earnings Request documented Petitioner was employed with [REDACTED] from May 9, 2022 through August 3, 2022, and received income with pay dates May 20, 2022 through August 12, 2022. (Exhibit A, pp. 45-47).

Overall, the evidence supports the Department's determination that Petitioner received an overpayment of FAP benefits from June 1, 2022 to July 31, 2022, due to client error of failing to timely report income. Petitioner was required to report any changes with income within 10 days of receiving the first payment. There was no evidence that Petitioner timely reported his income from the multiple employers in 2022 within 10 days of receiving the first paycheck from each employer. During the May 3, 2022 interview, Petitioner did report anticipated employment with [REDACTED] that was expected to start on May 13, 2022. (Exhibit A, p. 93). However, there was no evidence that Petitioner reported when he actually started receiving paychecks from this employment. Therefore, the Department properly sought recoupment of the alleged \$1,506.00 client error overpayment of FAP benefits from Petitioner.

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 Department policy when it determined that Petitioner received FAP benefits that he was not eligible for and must be recouped.

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



COLLEEN LACK
ADMINISTRATIVE LAW JUDGE
25-036619



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:

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Via First Class Mail:

Petitioner

[REDACTED]
MI [REDACTED]