

Date Mailed: November 5, 2025

Docket No.: 25-036837

Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

On October 1, 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 November 4, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Latrisha Tartt, Overpayment Establishment Analyst.

A 51-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 [REDACTED] for FAP benefits that were overpaid to Petitioner from August 1, 2022, to February 28, 2023, 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 March 28, 2022, Petitioner applied for FAP benefits.
2. On April 5, 2022, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of [REDACTED] from March 28, 2022, to March 31, 2022, and [REDACTED] per month from April 1, 2022, to February 28, 2023.
3. The Department became aware of Petitioner's income from [REDACTED] via a New Hire Match. However, the Department failed to verify the New Hire Match by the July 11, 2022, due date.
4. From August 2022 to February 2023, Petitioner received the following in gross income from Petitioner's employment at [REDACTED]:

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- a. [REDACTED] in August 2022
 - b. [REDACTED] in September 2022
 - c. [REDACTED] in October 2022
 - d. [REDACTED] in November 2022
 - e. [REDACTED] in December 2022
 - f. [REDACTED] in January 2023
 - g. [REDACTED] in February 2023
5. The Department failed to consider Petitioner's earned income when paying Petitioner FAP benefits from August 1, 2022, to February 28, 2023.
 6. From August 1, 2022, to September 30, 2022, Petitioner received a COVID-19 supplement of [REDACTED] resulting in Petitioner receiving a total monthly FAP benefit of [REDACTED]
 7. From October 1, 2022, to February 28, 2023, Petitioner received a COVID-19 supplement of [REDACTED] resulting in Petitioner receiving a total monthly FAP benefit of [REDACTED].
 8. The Department paid Petitioner [REDACTED] in FAP benefits from August 1, 2022, to February 28, 2023.
 9. On September 22, 2025, the Department notified Petitioner of the overpayment.
 10. On October 1, 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 earned 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 August 1, 2022, to February 28, 2023, Petitioner was overpaid \$2,570.00 in FAP benefits. The Department paid these FAP benefits to Petitioner without properly budgeting Petitioner'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 timely process a new hire match. Therefore, the Department did not consider Petitioner's earned income before paying FAP benefits to Petitioner from August 1, 2022, to February 28, 2023.

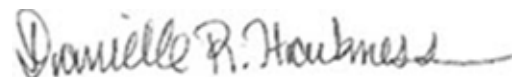
Based on Petitioner's income, Petitioner was eligible for [REDACTED] in FAP benefits from August 1, 2022, to February 28, 2023. Thus, Petitioner was overpaid [REDACTED] in FAP benefits from August 1, 2022, to February 28, 2023.

The Department presented sufficient evidence to establish that the total amount overpaid was [REDACTED], from August 1, 2022, to February 28, 2023, 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 [REDACTED] for FAP benefits paid to Petitioner from August 1, 2022, to February 28, 2023.

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 \$2,570.00 for FAP benefits that were overpaid to Petitioner from August 1, 2022, to February 28, 2023.

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



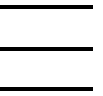
DANIELLE R. HARKNESS
ADMINISTRATIVE LAW JUDGE

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. 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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Agency Representative

LATRISHA TARTT

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Via First Class Mail:

Petitioner

