



**Date Mailed:** November 25, 2025  
**Docket No.:** 25-038938  
**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.

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**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [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 20, 2025 Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rhonda Holland, Overpayment Establishment Analyst. Department Exhibit 1, pp. 1-93 was received and admitted.

### **ISSUE**

Did the Department properly determine that Petitioner received an overissuance of Food Assistance Program (FAP) benefits due to agency error that the Department is entitled to recoup?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was a recipient of FAP benefits.
2. During a September [REDACTED] 2023, interview Petitioner reported that she and her husband [REDACTED] [REDACTED] were taking maternity and paternity leave.
3. Effective October [REDACTED] 2023, Petitioner began receiving FAP with zero employment income in the budget.
4. On March [REDACTED] 2024, an Overissuance Referral was made because unreported employment income was discovered on January [REDACTED] 2024. (Ex. 1, p.93)
5. Household member [REDACTED] [REDACTED] had employment income that was not budgeted during the overissuance time period.
6. On October [REDACTED] 2025, a Notice of Overissuance was sent to Petitioner alleging that she received an overissuance of FAP benefits totaling \$[REDACTED] for the time period between October 1, 2023, and March 31, 2024, because household member Paul Slater had income that was not budgeted.

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7. On October 17, 2025, Petitioner requested hearing disputing the determination of overissuance.
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### **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.

#### **All Programs**

If a household receives benefits, and the department makes an error, the adult(s) in the household must repay the extra benefits they are not eligible for. The benefits must be repaid even if there was no fraud. BAM 705 (June 2024)

#### **OVERPAYMENT PERIOD FIP, SDA, RCA, CDC and FAP**

The overpayment (OP) period for agency errors can be for no more than the latest 12 months. Example: A potential agency error was assigned to an Overpayment Establishment Analyst (OEA) for the period of March 2019 through December 2020. The latest 12 months an OEA can look at to discover an overpayment is January 2020 through December 2020. This 12 month or less period cannot include any months that occurred more than six years before the overpayment discovery date per 7 CFR 273.18(c)(1)(i). BAM 705

In this case, during a September ■■■ 2023, interview Petitioner reported that she and her husband ■■■ ■■■ were taking maternity and paternity leave. Effective October ■■■ 2023, Petitioner began receiving FAP with zero employment income in the budget. Household member ■■■ ■■■ had employment income that was not budgeted during the overissuance time period. On March ■■■ 2024, an Overissuance Referral was made because unreported employment income was discovered on January ■■■ 2024. (Ex. 1, p.93) On October ■■■ 2025, a Notice of Overissuance was sent to Petitioner alleging that she received an overissuance of FAP benefits totaling \$■■■ for the time period between October 1, 2023, and March 31, 2024, because household member ■■■ ■■■ had income that was not budgeted.

At hearing, Petitioner questioned why she should have to repay the overissuance when it was the result of agency error. It was explained that agency error overissuances over

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\$250 are required to be recouped. Petitioner also questioned why it took so long for the Department to discover and pursue the alleged overissuance. The Department discovered the error in January 2024 and pursued the overissuance within the 6 years of the overpayment discovery date which is permissible pursuant to Department policy.  
BAM 705

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## **DECISION AND ORDER**

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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 an overissuance of FAP benefits totaling \$[REDACTED] from October 1, 2023, through March 31, 2024, due to agency error because household member [REDACTED] [REDACTED] had employment income that was not budgeted.

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



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**AARON MCCLINTIC**  
**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.

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**Via Electronic Mail:**

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**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]