



Date Mailed: December 2, 2025
Docket No.: 25-038968
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.

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Docket No.: 25-038968

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 19, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Michele Welch, Overpayment Establishment Analyst (OEA).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-60.

ISSUE

Did the Department properly determine that Petitioner received Food Assistance Program (FAP) benefits that she 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 December 1, 2024 to April 30, 2025, Petitioner received FAP benefits totaling \$1,460.00. (Exhibit A, p. 7)
2. On May 20, 2024, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of one. The Notice indicated Petitioner was a simplified reporter and was required to report when household gross monthly income exceeded \$1,580.00. A change in income over this amount was to be reported by the 10th day of the following month. A Simplified Six Month Review was issued explaining the simplified reporting process. (Exhibit A, pp. 54-60)
3. On September 17, 2024, Petitioner submitted a Semi-Annual Contact Report for her FAP benefits. Petitioner reported her income from employment had not changed by more than \$125.00 from \$[REDACTED]. (Exhibit A, pp. 39-41)
4. On September 24, 2024, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of one. The Notice indicated Petitioner was a simplified reporter and was required to report when household

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gross monthly income exceeded \$1,632.00. A change in income over this amount was to be reported by the 10th day of the following month. A Simplified Six Month Review was issued explaining the simplified reporting process. (Exhibit A, pp. 42-48)

5. On March 24, 2025, Petitioner submitted a Redetermination and reported her employment with [REDACTED] and [REDACTED]. (Exhibit A, pp. 49-53)
6. A report from The Work Number documented that Petitioner was employed with [REDACTED] starting September 23, 2024. Petitioner's earnings from October 4, 2024 through April 18, 2025 were documented. (Exhibit A, pp. 19-21)
7. A report from The Work Number documented that Petitioner was employed with [REDACTED] starting January 19, 2023. Petitioner's earnings from January 15, 2025 through April 16, 2025 were documented. (Exhibit A, pp. 23-24)
8. A report from The Work Number documented that Petitioner was employed with [REDACTED] starting January 19, 2023. Petitioner's earnings from June 6, 2022 through December 31, 2024 were documented. (Exhibit A, pp. 24-29)
9. The Department determined that Petitioner was overissued FAP benefits from December 1, 2024 to April 30, 2025, in the amount of \$1,460.00, due to exceeding the simplified reporting limit. (Exhibit A, pp. 8-18)
10. On September 5, 2025, the Department sent Petitioner a Notice of Overissuance instructing her that a \$1,460.00 overissuance of FAP benefits occurred from December 1, 2024 to April 30, 2025, due to client error of not timely reporting exceeding the simplified reporting limit and the overissuance would be recouped. (Exhibit A, pp. 32-37)
11. On October 31, 2025, the Department received Petitioner's request for hearing protesting the recoupment of FAP benefits. (Exhibit A, pp. 4-5)

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 (March 1, 2024) p. 7. Generally, clients must also report changes in circumstance that potentially affect eligibility or benefit amount within 10 days. BAM 105, pp. 10-12. However, the change reporting requirements are different for FAP simplified reporters. FAP simplified reporting households must report when the household monthly income exceeds the monthly gross income limit for its household size. 7 CFR 273.12(a)(5)(ii)(G)(1) Further, periodic reports are to be submitted on which it is requested that the household report any changes in circumstances. 7 CFR 273.12(a)(5)(iii). Similarly, Department policy regarding change reporting for FAP simplified reporting household indicates that simplified reporting groups are required to report only when: the group's actual gross monthly income (not converted) exceeds the SR income limit for their group size; the group receives a single lottery or gambling winning of \$4,500 or more; a mandatory TLFA participant is working less than 20 hours per week (80 hours a month). No other change reporting is required. If the group has an increase in income, the group must determine their total gross income at the end of that month. If the total gross income exceeds the group's SR income limit, the group must report this change to their specialist by the 10th day of the following month, or the next business day if the 10th day falls on a weekend or holiday. Once assigned to SR, the group remains in SR throughout the current benefit period unless they report changes at their semi-annual contact or redetermination that make them ineligible for SR. BAM 200, October 1, 2024, p. 1. Groups meeting the simplified reporting category at application and redetermination are assigned a 12-month benefit period and are required to have a semi-annual contact. BAM 200, p. 3.

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, 2023, 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 December 1, 2024 to April 30, 2025, in the amount of \$1,460.00, due to exceeding the

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simplified reporting limit. (Exhibit A, pp. 8-18). On May 20, 2024, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of one. The Notice indicated Petitioner was a simplified reporter and was required to report when household gross monthly income exceeded \$1,580.00. A change in income over this amount was to be reported by the 10th day of the following month. A Simplified Six Month Review was issued explaining the simplified reporting process. (Exhibit A, pp. 54-60) On September 17, 2024, Petitioner submitted a Semi-Annual Contact Report for her FAP benefits. Petitioner reported her income from employment had not changed by more than \$125.00 from \$ [REDACTED]. (Exhibit A, pp. 39-41).

On September 24, 2024, a Notice of Case Action was issued to Petitioner approving FAP benefits for a household size of one. The Notice indicated Petitioner was a simplified reporter and was required to report when household gross monthly income exceeded \$1,632.00. A change in income over this amount was to be reported by the 10th day of the following month. A Simplified Six Month Review was issued explaining the simplified reporting process. (Exhibit A, pp. 42-48). On March 24, 2025, Petitioner submitted a Redetermination and reported her employment with [REDACTED] and [REDACTED]. (Exhibit A, pp. 49-53).

A report from The Work Number documented that Petitioner was employed with [REDACTED] starting September 23, 2024. Petitioner's earnings from October 4, 2024 through April 18, 2025 were documented. (Exhibit A, pp. 19-21). A report from The Work Number documented that Petitioner was employed with [REDACTED] starting January 19, 2023. Petitioner's earnings from January 15, 2023 through April 16, 2025 were documented. (Exhibit A, pp. 23-24). A report from The Work Number documented that Petitioner was employed with [REDACTED] starting January 19, 2023. Petitioner's earnings from June 6, 2022 through December 31, 2024 were documented. (Exhibit A, pp. 24-29). Petitioner began exceeding the simplified reporting limit in October 2024. (Exhibit A, p. 3). There was no evidence that Petitioner reported exceeding the simplified reporting limit as required by policy. The Department determined that Petitioner was overissued FAP benefits from December 1, 2024 to April 30, 2025, in the amount of \$1,460.00, due to exceeding the simplified reporting limit. (Exhibit A, pp. 8-18). Accordingly, on September 5, 2025, the Department sent Petitioner a Notice of Overissuance instructing her that a \$1,460.00 overissuance of FAP benefits occurred from December 1, 2024 to April 30, 2025, due to client error of not timely reporting exceeding the simplified reporting limit and the overissuance would be recouped. (Exhibit A, pp. 32-37).

Petitioner questioned why there were no utility expenses in the FAP budgets. (Petitioner Testimony). The OEA explained that Petitioner's income exceeded the gross income limit for FAP, therefore she was not eligible for FAP before the utility expenses would have been considered. (OEA Testimony). Petitioner then explained that she needed the FAP benefits at that time as she did not have money to buy food. Petitioner noted that taxes are taken out of her gross income and she had other expenses the Department does not consider, such as car payments and insurance and personal needs. Petitioner feels that clients should be allowed to have the FAP benefits continue for three to four

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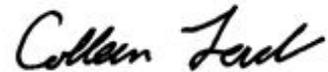
months extra to allow them a chance to get back on track. Assistance is supposed to help the person. Immediately cutting them off gets them behind as they now have to pay for food rather than allowing them a chance to get caught up. Petitioner feels it is very unfair and believes she should not have to repay the FAP benefits. Petitioner does not have the money to buy food and cannot get to a food bank because she is now working. (Petitioner Testimony). However, this Administrative Law Judge has no authority to change or make exceptions to the rules, regulations, and policies for the FAP program, which require the Department to consider the gross monthly income, utilize a gross monthly income limit, and require timely reporting of exceeding the simplified reporting limit.

Overall, the evidence supports the Department's determination that Petitioner received an overpayment of FAP benefits from December 1, 2024 to April 30, 2025, in the amount of \$1,460.00, due to client error of not timely reporting exceeding the simplified reporting limit. Therefore, the Department properly sought recoupment of a \$1,460.00 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 the \$1,460.00 overpayment of FAP benefits from December 1, 2024 to April 30, 2025, due to client error, which must be recouped.

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



**COLLEEN LACK
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.



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