



Date Mailed: December 9, 2025
Docket No.: 25-039755
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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Docket No.: 25-039755

Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

On October 31, 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 December 2, 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 herself. Respondent Michigan Department of Health and Human Services (Department) had Overpayment Establishment Analyst Mark Roberts appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 105-page packet of documents provided by the Department was admitted collectively as Exhibit A.

ISSUE

Did the Department properly determine that Petitioner owes the Department a debt of \$[REDACTED] for Food Assistance Program (FAP) benefits that were overpaid to her for the months of November 2022 through February 2023?

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 June [REDACTED] 2022, Petitioner submitted a redetermination form to the Department to renew her FAP eligibility.
2. On July [REDACTED] 2022, the Department interviewed Petitioner to obtain additional information to determine Petitioner's FAP eligibility. Petitioner reported that she was living with Justin Dillon.
3. On July [REDACTED] 2022, the Department mailed a notice of case action to Petitioner to notify her that she was approved for a FAP benefit of \$[REDACTED] per month, effective August 1, 2022. The notice of case action instructed Petitioner to notify the Department if her gross household income exceeded \$1,888.00 in a month. The

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notice of case action 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 [\$1,888.00], you must report this to your specialist by the 10th of the month. . . .” The Department determined Petitioner’s FAP eligibility based on the following information:

- a. Group size of two consisting of Petitioner and Justin Dillon
 - b. Earned income of \$ [REDACTED] per month composed entirely of Petitioner’s income from employment at [REDACTED] [REDACTED]
 - c. Housing cost of \$ [REDACTED] per month
 - d. Standard deduction of \$177.00 per month
 - e. Heat/utility standard of \$559.00 per month
4. [REDACTED] [REDACTED] began receiving income from employment at [REDACTED] in the third quarter of 2022. [REDACTED] [REDACTED] received the following gross wages:
- a. \$ [REDACTED] received in the third quarter of 2022
 - b. \$ [REDACTED] received in the fourth quarter of 2022
 - c. \$ [REDACTED] received in the first quarter of 2023
5. Petitioner received the following gross wages from [REDACTED] [REDACTED]
- a. \$ [REDACTED] paid September 2, 2022
 - b. \$ [REDACTED] paid September 16, 2022
 - c. \$ [REDACTED] paid September 30, 2022
6. In September 2022, Petitioner notified the Department that her housing cost increased to \$ [REDACTED] per month.
7. In October 2022, Petitioner began receiving income from employment at [REDACTED] [REDACTED] Petitioner received the following gross wages:
- a. \$ [REDACTED] paid November 4, 2022
 - b. \$ [REDACTED] paid November 18, 2022
 - c. \$ [REDACTED] paid December 2, 2022
 - d. \$ [REDACTED] paid December 16, 2022

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- e. \$ [REDACTED] paid December 30, 2022
 - f. \$ [REDACTED] paid January 13, 2023
 - g. \$ [REDACTED] paid January 27, 2023
 - h. \$ [REDACTED] paid February 10, 2023
 - i. \$ [REDACTED] paid February 24, 2023
8. Petitioner did not notify the Department that her gross household income exceeded \$1,888.00 in any month.
9. The Department issued the following FAP benefits to Petitioner:
- a. \$ [REDACTED] for November 2022
 - b. \$ [REDACTED] for December 2022
 - c. \$ [REDACTED] for January 2023
 - d. \$ [REDACTED] for February 2023
10. Subsequently, the Department discovered that Petitioner failed to report [REDACTED] [REDACTED] income to the Department.
11. The Department unsuccessfully attempted to obtain information about [REDACTED] [REDACTED] income from [REDACTED] so the Department used [REDACTED] [REDACTED] quarterly wage information to determine his gross monthly income. The Department determined that [REDACTED] [REDACTED] gross monthly income was the following:
- 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
12. The Department determined that Petitioner failed to report when her gross household income exceeded the simplified reporting limit in September 2022.

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13. The Department redetermined Petitioner's FAP eligibility, and the Department determined that Petitioner was ineligible for FAP benefits from November 2022 through February 2023.
 14. The Department determined that it overpaid Petitioner due to Petitioner's error.
 15. The Department determined that it overpaid Petitioner \$ [REDACTED] in FAP benefits because it issued her a total of \$ [REDACTED] for the months of November 2022 through February 2023 when she was ineligible to receive any FAP benefits.
 16. On October [REDACTED] 2025, the Department mailed a notice of overissuance to Petitioner to notify her that the Department overpaid her \$ [REDACTED] in FAP benefits for the months of November 2022 through February 2023.
 17. 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 \$ [REDACTED] in FAP benefits for the months of November 2022 through February 2023. When a client receives more benefits than she was entitled to receive, the Department must attempt to recoup the overpayment. BAM 700 (June 1, 2024), p. 1. The overpayment amount is the amount of benefits in excess of the amount the client was eligible to receive. *Id.* at 2.

The Department determined that it overpaid Petitioner because Petitioner failed to notify the Department when her gross household income exceeded the simplified reporting limit. The Department properly determined that the overpayment was due to Petitioner's error. The first month of overpayment is two months after the actual monthly household income exceeded the simplified reporting limit. BAM 715 (June 1, 2024), p. 4. Thus, the first month that was affected by Petitioner's error was November 2022 because Petitioner's gross household income first exceeded the simplified reporting limit in September 2022.

In November 2022, Petitioner received a FAP benefit based on a budgeted earned income amount of \$1,160.00. However, Petitioner received actual gross income of \$[REDACTED] and [REDACTED] received actual gross income of \$[REDACTED]. Thus, Petitioner's total gross household income was \$[REDACTED] and \$[REDACTED] of that amount was unreported. Therefore, Petitioner was eligible for an earned income deduction of \$[REDACTED] and a standard deduction of \$193.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was ineligible for a FAP benefit for November 2022.

In December 2022, Petitioner received a FAP benefit based on a budgeted earned income amount of \$[REDACTED]. However, Petitioner received actual gross income of \$[REDACTED] and Justin Dillon received actual gross income of \$[REDACTED]. Thus, Petitioner's total gross household income was \$[REDACTED]. The income limit for a household size of two was \$[REDACTED] RFT 250 (October 1, 2022). Thus, Petitioner's income exceeded the limit to be eligible for FAP benefits, so Petitioner was ineligible for a FAP benefit for December 2022.

In January 2023, Petitioner received a FAP benefit based on a budgeted earned income amount of \$[REDACTED]. However, Petitioner received actual gross income of \$[REDACTED] and [REDACTED] received actual gross income of \$[REDACTED]. Thus, Petitioner's total gross household income was \$[REDACTED]. The income limit for a household size of two was \$3,052.00. RFT 250. Thus, Petitioner's income exceeded the limit to be eligible for FAP benefits, so Petitioner was ineligible for a FAP benefit for January 2023.

In February 2023, Petitioner received a FAP benefit based on a budgeted earned income amount of \$1,160.00. However, Petitioner received actual gross income of \$[REDACTED] and [REDACTED] received actual gross income of \$[REDACTED]. Thus, Petitioner's total gross household income was \$[REDACTED]. The income limit for a household size of two was \$3,052.00. RFT 250. Thus, Petitioner's income exceeded the limit to be eligible for FAP benefits, so Petitioner was ineligible for a FAP benefit for February 2023.

The Department properly determined that it overpaid Petitioner \$[REDACTED] in FAP benefits for the months of November 2022 through February 2023. Therefore, the Department acted in accordance with its policies when it pursued the overpayment.

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 it overpaid Petitioner \$ [REDACTED] in FAP benefits for the months of November 2022 through February 2023.

IT IS ORDERED that the Department's decision is **AFFIRMED**.



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://rs.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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Via Electronic Mail:

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Via First Class Mail:

Petitioner

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