



**Date Mailed:** December 4, 2025  
**Docket No.:** 25-039759  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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

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**Docket No.:** 25-039759

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [REDACTED]

### **HEARING DECISION**

On November 7, 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 61-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 December 2024 through February 2025?

### **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 September [REDACTED] 2024, the Department mailed a notice of case action to Petitioner to notify her that she was approved for FAP benefits. The notice informed Petitioner that she was approved for a FAP benefit amount of \$[REDACTED] per month, effective October 1, 2024. The notice of case action stated that Petitioner's FAP eligibility was determined based on the following information:
  - a. Household size of one
  - b. Unearned income of \$[REDACTED] per month
  - c. A standard deduction of \$198.00 per month

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- d. Housing costs of \$ [REDACTED] per month
  - e. A heat/utility standard of \$680.00 per month
2. On September [REDACTED] 2024, Petitioner began working for [REDACTED] [REDACTED]
  3. On October [REDACTED] 2024, Petitioner received her first paycheck from [REDACTED] [REDACTED]
  4. On October [REDACTED] 2024, the Department received a new hire alert that notified the Department that Petitioner obtained employment at [REDACTED] [REDACTED]
  5. The Department did not process the new hire alert.
  6. On November [REDACTED] 2024, Petitioner notified the Department that she obtained employment at [REDACTED] [REDACTED]
  7. The Department did not process Petitioner's reported change of employment.
  8. Petitioner received the following gross wages from her employment at [REDACTED] [REDACTED]
    - a. October 11, 2024, gross pay of \$ [REDACTED]
    - b. October 25, 2024, gross pay of \$ [REDACTED]
    - c. November 8, 2024, gross pay of \$ [REDACTED]
    - d. November 22, 2024, gross pay of [REDACTED]
    - e. December 6, 2024, gross pay of \$ [REDACTED]
    - f. December 20, 2024, gross pay of \$ [REDACTED]
    - g. January 3, 2025, gross pay of \$ [REDACTED]
    - h. January 17, 2025, gross pay of \$ [REDACTED]
    - i. January 31, 2025, gross pay of \$ [REDACTED]
    - j. February 14, 2025, gross pay of \$ [REDACTED]
    - k. February 28, 2025, gross pay of \$ [REDACTED]
  9. The Department continued to issue FAP benefits to Petitioner as if Petitioner had not had a change in her household income.

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10. The Department issued the following FAP benefits to Petitioner:
    - a. \$██████ for December 2024
    - b. \$██████ for January 2025
    - c. \$██████ for February 2025
  11. Subsequently, the Department discovered that it did not properly process Petitioner's change of employment.
  12. The Department redetermined Petitioner's FAP eligibility, and the Department determined that Petitioner was ineligible for FAP benefits from December 2024 through February 2025.
  13. The Department determined that it overpaid Petitioner due to the Department's error.
  14. The Department determined that it overpaid Petitioner \$██████ in FAP benefits because it issued her a total of \$██████ for the months of December 2024 through February 2025 when she was ineligible to receive any FAP benefits.
  15. On October 29, 2025, the Department mailed a notice of overissuance to Petitioner to notify her that the Department overpaid her \$██████ in FAP benefits for the months of December 2024 through February 2025.
  16. 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 \$██████ in FAP benefits for the months of December 2024 through February 2025. 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.

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The Department determined that it overpaid Petitioner because the Department did not properly budget Petitioner's earned income from [REDACTED] [REDACTED]. The Department acknowledged that the overpayment was due to the Department's error. The Department properly determined that the first month that was affected by the Department's error was December 2024 because Petitioner received her first paycheck on October 11, 2024, the Department had 10 days to act on the information, and the Department's negative action could not have taken effect until 12 days after the Department notified Petitioner of her FAP eligibility.

In December 2024, Petitioner's gross earnings were \$[REDACTED]. However, Petitioner's gross earnings must be converted to a standard amount. BAM 705 (June 1, 2024), p. 6. Petitioner's gross earnings were comprised of two paychecks, so Petitioner's average pay was \$[REDACTED]. Petitioner was paid biweekly, and biweekly pay is multiplied by 2.15 to convert it to a standard amount. BEM 505 (June 1, 2025), pp. 8-9. Thus, Petitioner's income was \$[REDACTED]. The income limit for a household size of one was \$[REDACTED] RFT 250 (October 1, 2025). Thus, Petitioner's income exceeded the limit to be eligible for FAP benefits, so Petitioner was ineligible for FAP benefits for December 2024.

In January 2025, Petitioner's gross earnings were \$[REDACTED]. However, Petitioner's gross earnings must be converted to a standard amount. BAM 705 at 6. Petitioner's gross earnings were comprised of three paychecks, so Petitioner's average pay was \$[REDACTED]. Petitioner was paid biweekly, and biweekly pay is multiplied by 2.15 to convert it to a standard amount. BEM 505 at 8-9. Thus, Petitioner's income was \$[REDACTED]. The income limit for a household size of one was \$[REDACTED] RFT 250. Thus, Petitioner's income exceeded the limit to be eligible for FAP benefits, so Petitioner was ineligible for FAP benefits for January 2025.

In February 2025, Petitioner's gross earnings were \$[REDACTED]. However, Petitioner's gross earnings must be converted to a standard amount. BAM 705 at 6. Petitioner's gross earnings were comprised of two paychecks, so Petitioner's average pay was \$[REDACTED]. Petitioner was paid biweekly, and biweekly pay is multiplied by 2.15 to convert it to a standard amount. BEM 505 at 8-9. Thus, Petitioner's income was \$[REDACTED]. The income limit for a household size of one was \$2,610.00. RFT 250. Thus, Petitioner's income exceeded the limit to be eligible for FAP benefits, so Petitioner was ineligible for FAP benefits for February 2025.

The Department properly determined that it overpaid Petitioner \$[REDACTED] in FAP benefits. Although this overpayment was caused by the Department's error, the Department was still required to pursue Petitioner for the overpayment. A FAP overpayment that results from the Department's error must be pursued by the Department when the amount is greater than or equal to \$250.00. BAM 700 at 5 and BAM 705 (June 1, 2024), p. 1. The amount of the overpayment was greater than or equal to \$250.00. Thus, although

Petitioner received an overpayment due to the Department's error, the Department acted in accordance with its policies when it pursued the overpayment.

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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 its policies and the applicable law when it determined that it overpaid Petitioner \$ [REDACTED] in FAP benefits for the months of December 2024 through February 2025.

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



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**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](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://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](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

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**Via Electronic Mail:**

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