

**Date Mailed:** December 4, 2025  
**Docket No.:** 25-040303  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

## **HEARING DECISION**

On October 28, 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 December 3, 2025. Petitioner appeared and represented herself. Andrea Garcia appeared as an observer of the hearing. The Department of Health and Human Services (Department) was represented by Jason Morris, Overpayment Establishment Analyst.

A 135-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 \$1,220.00 for FAP benefits that were overpaid to Petitioner from February 1, 2025, to June 30, 2025, 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 May 17, 2024, Petitioner submitted a Mid-Certification Contact Notice and reported \$165.00 in medical expenses.
2. On June 1, 2024, the Department mailed to Petitioner a Notice of Case Action approving Petitioner for \$65.00 per month in FAP benefits from July 1, 2024, to June 30, 2025, based on \$0.00 in medical expenses. The Notice indicated Petitioner was a simplified reporter (SR) and was required to report when Petitioner's household gross monthly income exceeded \$1,580.00. A change in income over the SR limit was to be reported by the 10<sup>th</sup> day of the following month.
3. On June 11, 2024, the Department mailed to Petitioner a Notice of Case Action approving Petitioner for \$139.00 per month in FAP benefits from July 1, 2024, to June 30, 2025, based on \$165.00 in medical expenses. The Notice indicated Petitioner was a SR and was required to report when Petitioner's household

gross monthly income exceeded \$1,580.00. A change in income over the SR limit was to be reported by the 10<sup>th</sup> day of the following month.

4. On July 23, 2024, Petitioner submitted proof of medical expenses from Kent County Dental.
5. On July 13, 2024, the Department mailed to Petitioner a Notice of Case Action approving Petitioner for \$65.00 per month in FAP benefits from August 1, 2024, to June 30, 2025, based on \$0.00 in medical expenses. The Notice indicated Petitioner was a SR and was required to report when Petitioner's household gross monthly income exceeded [REDACTED] A change in income over the SR limit was to be reported by the 10<sup>th</sup> day of the following month.
6. On September 5, 2024, the Department mailed to Petitioner a Notice of Case Action approving Petitioner for \$139.00 per month in FAP benefits from October 1, 2024, to June 30, 2025, based on \$165.00 in medical expenses. The Notice indicated Petitioner was a SR and was required to report when Petitioner's household gross monthly income exceeded \$1,580.00. A change in income over the SR limit was to be reported by the 10<sup>th</sup> day of the following month.
7. On September 7, 2024, the Department mailed to Petitioner a Notice of Case Action approving Petitioner for \$138.00 per month in FAP benefits from October 1, 2024, to June 30, 2025, based on \$165.00 in medical expenses reported by Petitioner on July 23, 2024. The Notice indicated Petitioner was a SR and was required to report when Petitioner's household gross monthly income exceeded \$1,632.00. A change in income over the SR limit was to be reported by the 10<sup>th</sup> day of the following month.
8. On December 7, 2024, the Department mailed to Petitioner a Notice of Case Action approving Petitioner for \$48.00 per month in FAP benefits from January 1, 2025, to June 30, 2025, based on \$0.00 in medical expenses. The Notice indicated Petitioner was a SR and was required to report when Petitioner's household gross monthly income exceeded \$1,632.00. A change in income over the SR limit was to be reported by the 10<sup>th</sup> day of the following month.
9. On January 27, 2025, Petitioner submitted proof of medical expenses dated September 16, 2024.
10. The Department incorrectly budgeted the medical expenses submitted by Petitioner on January 27, 2025, as an ongoing medical expense.
11. On February 11, 2025, the Department mailed to Petitioner a Notice of Case Action approving Petitioner for \$292.00 per month in FAP benefits from February 1, 2025, to June 30, 2025, based on \$2,087.00 in medical expenses reported by Petitioner on January 27, 2025. The notice further advised Petitioner to report any changes to the Department within 10 days.
12. On May 21, 2025, Petitioner submitted a Redetermination.

13. On June 5, 2025, the Department became aware that Petitioner's medical expenses were incorrectly budgeted and removed them from Petitioner's FAP budget.
14. The Department issued Petitioner \$1,460.00 in FAP benefits when Petitioner was only eligible for \$240.00 from February 1, 2025, to June 30, 2025.
15. On October 20, 2025, the Department notified Petitioner of the overpayment.
16. On October 28, 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 improperly included medical expenses in Petitioner's FAP budget that Petitioner reported on January 27, 2025. 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.

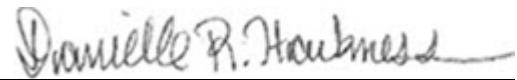
From February 1, 2025, to June 30, 2025, Petitioner received \$1,460.00 in FAP benefits when Petitioner was only eligible for \$240.00 in FAP benefits. On January 27, 2025, Petitioner submitted medical expenses from September 16, 2024, to the Department. The Department improperly included the medical expenses that Petitioner reported on January 27, 2025, in Petitioner's FAP budget, and the Department continued to consider the medical expenses when issuing Petitioner FAP benefits from February 1, 2025, to June 30, 2025.

Here, the Department presented sufficient evidence to establish that the total amount overpaid was \$1,220.00, from February 1, 2025, to June 30, 2025, 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 \$1,220.00 for FAP benefits paid to Petitioner from February 1, 2025, to June 30, 2025.

## **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 \$1,220.00 for FAP benefits that were overpaid to Petitioner from February 1, 2025, to June 30, 2025.

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



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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](http://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.

Via Electronic Mail:

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Via First Class Mail:

**Petitioner**

[REDACTED]  
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