



**Date Mailed:** December 12, 2025  
**Docket No.:** 25-040709  
**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.:** 25-040709

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [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 9, 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. Petitioner's spouse, [REDACTED] [REDACTED] appeared with Petitioner. Respondent Michigan Department of Health and Human Services (Department) had Overpayment Establishment Analyst Michele Welch appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 62-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 September 2024 through June 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 June [REDACTED] 2024, Petitioner submitted a redetermination form to the Department to renew her FAP eligibility. Petitioner reported that the members of her household were: Petitioner, [REDACTED] [REDACTED] Petitioner reported that [REDACTED] [REDACTED] was employed at [REDACTED] [REDACTED] and Petitioner reported that his annual salary was \$[REDACTED]
2. On July [REDACTED] 2024, the Department interviewed Petitioner to obtain additional information to determine Petitioner's FAP eligibility. Petitioner reported that the members of her household were: Petitioner, [REDACTED] [REDACTED] [REDACTED] [REDACTED] Petitioner reported that [REDACTED] [REDACTED] was

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employed at [REDACTED], and Petitioner reported that his annual salary was \$[REDACTED]. Petitioner provided the Department with copies of [REDACTED] [REDACTED] pay stubs as verification.

3. On July [REDACTED] 2024, 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, 2024. The notice of case action instructed Petitioner to notify the Department if her gross household income exceeded \$3,807.00 in a month. The 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 [\$3,807.00], you must report this to your specialist by the 10<sup>th</sup> of the month. . . ." The Department determined Petitioner's FAP eligibility based on the following information:

- a. Group size of five consisting of Petitioner, [REDACTED]  
[REDACTED]
- b. Earned income of \$[REDACTED] per month composed entirely of [REDACTED]  
[REDACTED] income from employment at [REDACTED]
- c. Housing cost of \$[REDACTED] per month
- d. Standard deduction of \$244.00 per month
- e. Heat/utility standard of \$680.00 per month

4. [REDACTED] [REDACTED] received the following gross wages from [REDACTED]

- a. \$[REDACTED] paid August 9, 2024
- b. \$[REDACTED] paid August 23, 2024
- c. \$[REDACTED] paid September 6, 2024
- d. \$[REDACTED] paid September 20, 2024
- e. \$[REDACTED] paid October 4, 2024
- f. \$[REDACTED] paid October 18, 2024
- g. \$[REDACTED] paid November 1, 2024
- h. \$[REDACTED] paid November 15, 2024
- i. \$[REDACTED] paid November 29, 2024
- j. \$[REDACTED] paid December 13, 2024

- k. \$ [REDACTED] paid December 27, 2024
- l. \$ [REDACTED] paid January 10, 2025
- m. \$ [REDACTED] paid January 24, 2025
- n. \$ [REDACTED] paid February 7, 2025
- o. \$ [REDACTED] paid February 28, 2025
- p. \$ [REDACTED] paid March 14, 2025
- q. \$ [REDACTED] paid March 28, 2025
- r. \$ [REDACTED] paid April 11, 2025
- s. \$ [REDACTED] paid April 25, 2025
- t. \$ [REDACTED] paid May 9, 2025
- u. \$ [REDACTED] paid May 23, 2025
- v. \$ [REDACTED] paid June 6, 2025
- w. \$ [REDACTED] paid June 20, 2025

5. Petitioner did not notify the Department when her gross household income exceeded \$3,807.00 in a month.

6. The Department issued the following FAP benefits to Petitioner:

- a. \$ [REDACTED] for August 2024
- b. \$ [REDACTED] for September 2024
- c. \$ [REDACTED] for October 2024
- d. \$ [REDACTED] for November 2024
- e. \$ [REDACTED] for December 2024
- f. \$ [REDACTED] for January 2025
- g. \$ [REDACTED] for February 2025
- h. \$ [REDACTED] for March 2025
- i. \$ [REDACTED] for April 2025

- j. \$ [REDACTED] for May 2025
- k. \$ [REDACTED] for June 2025
7. The Department reviewed Petitioner's case, and the Department determined that Petitioner failed to notify the Department when her gross household income exceeded the simplified reporting limit in August 2024.
  8. The Department redetermined Petitioner's FAP eligibility, and the Department determined that it overpaid Petitioner \$ [REDACTED] in FAP benefits because it issued her a total of \$ [REDACTED] for the months of September 2024 through June 2025, when she was only eligible to receive a total of \$ [REDACTED]
  9. The Department determined that it overpaid Petitioner due to Petitioner's error.
  10. 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 September 2024 through June 2025.
  11. 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 September 2024 through June 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.

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. However, the Department did not properly determine the first month of the overpayment. The first month of overpayment is two months after the actual monthly household income exceeded the simplified reporting limit. BAM 715 (June 1,

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2024), p. 4. Based on the evidence presented, the first month that was affected by Petitioner's error was October 2024 because Petitioner's gross household income first exceeded the simplified reporting limit in August 2024.

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In October 2024, Petitioner received a FAP benefit based on a budgeted earned income amount of \$[REDACTED]. However, [REDACTED] [REDACTED] received actual gross income of \$[REDACTED]. Thus, Petitioner had \$[REDACTED] in unreported income. Petitioner was eligible for an earned income deduction of \$[REDACTED], a standard deduction of \$254.00, and an excess shelter deduction of \$188.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was eligible for a maximum FAP benefit of \$[REDACTED] for October 2024. The Department issued Petitioner \$[REDACTED] so the Department overpaid Petitioner \$[REDACTED].

In November 2024, Petitioner received a FAP benefit based on a budgeted earned income amount of \$[REDACTED]. However, [REDACTED] [REDACTED] received actual gross income of \$[REDACTED]. The income limit for a household size of five was \$6,098.00. RFT 250 (October 1, 2024). Thus, Petitioner's income exceeded the limit to be eligible for FAP benefits, so Petitioner was ineligible for a FAP benefit for November 2024. The Department issued Petitioner \$[REDACTED] so the Department overpaid Petitioner \$[REDACTED].

In December 2024, Petitioner received a FAP benefit based on a budgeted earned income amount of \$[REDACTED]. [REDACTED] [REDACTED] only received actual gross income of \$[REDACTED]. Thus, Petitioner was eligible for the FAP benefit she received for December 2024.

In January 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$[REDACTED]. However, [REDACTED] [REDACTED] received actual gross income of \$[REDACTED]. Thus, Petitioner had \$[REDACTED] in unreported income. Petitioner was eligible for an earned income deduction of \$[REDACTED], a standard deduction of \$254.00, and an excess shelter deduction of \$188.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was eligible for a maximum FAP benefit of \$[REDACTED] for January 2025. The Department issued Petitioner \$[REDACTED] so the Department overpaid Petitioner \$[REDACTED].

In February 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$[REDACTED]. However, [REDACTED] [REDACTED] received actual gross income of \$[REDACTED]. Thus, Petitioner had \$[REDACTED] in unreported income. Petitioner was eligible for an earned income deduction of \$[REDACTED] and a standard deduction of \$254.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was ineligible for a FAP benefit for February 2025. The Department issued Petitioner \$[REDACTED] so the Department overpaid Petitioner \$[REDACTED].

In March 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$[REDACTED]. However, [REDACTED] [REDACTED] received actual gross income of

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\$ [REDACTED] Thus, Petitioner had \$ [REDACTED] in unreported income. Petitioner was eligible for an earned income deduction of \$733.00, a standard deduction of \$254.00, and an excess shelter deduction of \$287.00. Accordingly, Petitioner's net income was \$ [REDACTED] Based on Petitioner's net income and group size, Petitioner was eligible for a maximum FAP benefit of \$ [REDACTED] for March 2025. The Department issued Petitioner \$ [REDACTED] so the Department overpaid Petitioner \$ [REDACTED]

In April 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$ [REDACTED] However, [REDACTED] [REDACTED] received actual gross income of \$ [REDACTED] Thus, Petitioner had \$ [REDACTED] in unreported income. Petitioner was eligible for an earned income deduction of \$733.00, a standard deduction of \$254.00, and an excess shelter deduction of \$475.00. Accordingly, Petitioner's net income was \$ [REDACTED] Based on Petitioner's net income and group size, Petitioner was eligible for a maximum FAP benefit of \$ [REDACTED] for April 2025. The Department issued Petitioner \$ [REDACTED] so the Department overpaid Petitioner \$ [REDACTED]

In May 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$ [REDACTED] However, [REDACTED] [REDACTED] received actual gross income of \$ [REDACTED] Thus, Petitioner had \$ [REDACTED] in unreported income. Petitioner was eligible for an earned income deduction of \$733.00 and a standard deduction of \$254.00. Accordingly, Petitioner's net income was \$ [REDACTED] Based on Petitioner's net income and group size, Petitioner was ineligible for a FAP benefit for May 2025. The Department issued Petitioner \$ [REDACTED] so the Department overpaid Petitioner \$ [REDACTED]

In June 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$ [REDACTED] However, [REDACTED] [REDACTED] received actual gross income of \$ [REDACTED] Thus, Petitioner had \$ [REDACTED] in unreported income. Petitioner was eligible for an earned income deduction of \$733.00, a standard deduction of \$254.00, and an excess shelter deduction of \$286.00. Accordingly, Petitioner's net income was \$ [REDACTED] Based on Petitioner's net income and group size, Petitioner was eligible for a maximum FAP benefit of \$ [REDACTED] for June 2025. The Department issued Petitioner \$ [REDACTED] so the Department overpaid Petitioner \$ [REDACTED]

In summary, the Department properly determined that it overpaid Petitioner, but the Department did not properly determine the overpayment amount. Petitioner did not receive an overpayment for September 2024 because the overpayment did not begin until October 2024, and Petitioner only received a \$ [REDACTED] overpayment for June 2025 because Petitioner only received a FAP benefit of \$ [REDACTED] The Department overpaid Petitioner a total of \$ [REDACTED] for the months of October 2024 through June 2025.

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**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, but the Department did not act in accordance with its policies and the applicable law when it determined the overpayment amount.

**IT IS ORDERED** that the Department's decision is **AFFIRMED IN PART and REVERSED IN PART**. The Department's decision that it overpaid Petitioner FAP benefits is affirmed, but the amount of the overpayment is reversed. The Department must redetermine the overpayment amount consistent with this hearing decision. The Department must begin to implement this order within 10 days of the mailing date of this hearing decision.



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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](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://irs.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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**Petitioner**

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