



Date Mailed: December 11, 2025

Docket No.: 25-040718

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This is an important legal document. Please have someone translate the document.

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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.

这是一份重要的法律文件。请让别人翻译文件。

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

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Docket No.: 25-040718

Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

On October 30, 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. Respondent Michigan Department of Health and Human Services (Department) had Overpayment Establishment Analyst Lisa Carlson appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 35-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 June 2023 through February 2024?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner's date of birth is April [REDACTED] 1983.
2. Petitioner is disabled.
3. On June [REDACTED] 2023, Petitioner applied to receive FAP benefits from the Department. Petitioner reported in her application that she was disabled and that she was a student.
4. The Department determined that Petitioner was eligible for FAP benefits.

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5. The Department issued the following FAP benefits to Petitioner while she was a full-time student:
 - a. \$ [REDACTED] for June 2023
 - b. \$ [REDACTED] for July 2023
 - c. \$ [REDACTED] for August 2023
 - d. \$ [REDACTED] for September 2023
 - e. \$ [REDACTED] for October 2023
 - f. \$ [REDACTED] for November 2023
 - g. \$ [REDACTED] for December 2023
 - h. \$ [REDACTED] for January 2024
 - i. \$ [REDACTED] for February 2024
 6. Petitioner did not work or volunteer at least 20 hours per week while she was a full-time student.
 7. The Department reviewed Petitioner's case and determined that Petitioner was ineligible for the FAP benefits that the Department issued to her while she was a full-time student because she did not meet the requirements for a student to be eligible for FAP benefits.
 8. The Department determined that it overpaid Petitioner due to the Department's error.
 9. The Department determined that it overpaid Petitioner \$ [REDACTED] in FAP benefits because it issued her a total of \$ [REDACTED] for the months of June 2023 through February 2024 when she was ineligible to receive any FAP benefits.
 10. On October [REDACTED] 2025, the Department mailed a notice of overissuance to Petitioner to notify her that the Department overpaid her \$ [REDACTED] for the months of June 2023 through February 2024.
 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

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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 June 2023 through February 2024. 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 the Department did not properly determine her student status when the Department processed her application. The Department asserted that it should have determined that Petitioner was ineligible for FAP benefits because she did not meet the requirements for a student to be eligible for FAP benefits. In general, students are ineligible for FAP benefits. BEM 245 (July 1, 2025), pp. 3-4. However, a student is eligible to receive FAP benefits if she meets one of the criteria listed in BEM 245. A student who is physically or mentally unfit for employment is eligible to receive FAP benefits. *Id.* at 4. Based on the evidence presented, Petitioner was physically or mentally unfit for employment because she was disabled, so Petitioner was eligible to receive FAP benefits while she was a student. Therefore, the Department did not properly determine that it overpaid Petitioner when the Department determined that it overpaid Petitioner because Petitioner did not meet the requirements for a student to be eligible for FAP benefits. Accordingly, the Department's decision is reversed.

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 did not act in accordance with its policies and the applicable law when it determined that it overpaid Petitioner \$ [REDACTED] in FAP benefits for the months of June 2023 through February 2024.

IT IS ORDERED that the Department's decision is **REVERSED**. The Department must cancel the overpayment and stop all attempts to recoup it. The Department must begin to implement this order within 10 days of the mailing date of this hearing decision.



JEFFREY KEMM
ADMINISTRATIVE LAW JUDGE

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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.

Via Electronic Mail:

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