



Date Mailed: January 5, 2026

Docket No.: 25-042630

Case No.: [REDACTED]

Petitioner: [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.

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.

[REDACTED] MI [REDACTED]

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HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on December 29, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Eugene Brown, Overpayment Establishment Analyst.

ISSUE

Did Petitioner receive an overissuance of Food Assistance Program (FAP) benefits that the Department is entitled to recoup?

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 was an ongoing FAP recipient for the period of February 1, 2025, through July 31, 2025 (Exhibit A, p. 16).
2. On December 23, 2024, Petitioner completed a redetermination related to his FAP benefit case (Exhibit A, pp. 41-43). Petitioner reported he had been laid off from employment and did not have any income.
3. On February 14, 2025, the Department sent Petitioner a Notice of Case Action informing him that he was approved for FAP benefits with an unearned income amount of \$ [REDACTED] (Exhibit A, pp. 52-56).
4. Petitioner had income from employment during the period of February 1, 2025, through July 31, 2025 (Exhibit A, pp. 31-34).
5. On November 10, 2025, the Department sent Petitioner a Notice of Overissuance stating Petitioner had been overissued FAP benefits in the amount of \$6,377 during the period of February 1, 2025, through July 31, 2025 (Exhibit A, pp. 7-8).
6. On November 19, 2025, Petitioner submitted a request for hearing disputing the Department's actions.

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) [formerly known as the Food Stamp program] 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 (formerly known as the Department of Human Services) 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, Petitioner completed a redetermination on December 23, 2024. In the redetermination, Petitioner reported he had been laid off from his employment. Although Petitioner had been partially laid off, Petitioner was working reduced hours and still receiving income. The Department argued that Petitioner did not report receiving any income from employment during his layoff period, and as a result, the income was not budgeted, and Petitioner received an overissuance in FAP benefits during the period of February 1, 2025, through July 31, 2025, due to client error.

When a client group receives more benefits than it is entitled to receive, the Department must attempt to recoup the overissuance. BAM 700 (October 2018), p. 1. A client error occurs when the client received more benefits than they were entitled to because the client gave incorrect or incomplete information to the Department. BAM 700, p. 6. An agency error is caused by incorrect action by the Department staff or Department processes. BAM 700, p. 4. The amount of the overissuance is the benefit amount the group actually received minus the amount the group was eligible to receive. BAM 705 (October 2018), p. 6. If improper budgeting of income caused the overissuance, the Department will use actual income for the past overissuance month for that income source when determining the correct benefit amount. BAM 705, p. 8. For client error overissuances due, at least in part, to failure to report earnings, the Department does not allow the 20 percent earned income deduction on the unreported earnings. BAM 720 (October 2017), p. 10.

In support of its contention that the overissuance was a result of client error, the Department presented a redetermination submitted by Petitioner on December 23, 2024. In the redetermination, Petitioner reported that he was laid off from employment and that he had no income from employment. The Department also presented a Notice of Case Action sent to Petitioner on February 14, 2025, informing him that he was approved for FAP benefits based on an earned income amount of \$█ and that he needed to report any changes to the Department. The Department presented documentation from Petitioner's employer verifying he was laid off from December 22,

25-042630

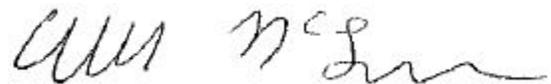
2024, through February 3, 2025. However, the Department also provided Petitioner's work number report showing he was receiving income from the employer during the period of February 1, 2025, through July 31, 2025 (Exhibit A, pp. 32-34). The Department also testified that Petitioner did not report that he had returned to full employment after his layoff period.

At the hearing, Petitioner conceded that his employer laid him off during the period of December 22, 2024, through February 3, 2025. However, Petitioner stated it was only a partial layoff, as he was working reduced hours. Petitioner acknowledged that he was still receiving income from the employer during the period in which he was laid off. Petitioner also acknowledged that he did not report to the Department when he resumed working full-time after his layoff period. Therefore, the Department properly established that Petitioner was overissued FAP benefits as a result of client error.

In support of its contention that Petitioner was overissued benefits, the Department presented FAP overissuance budgets for the period of February 1, 2025, through July 31, 2025 (Exhibit A, pp. 17-29). The Department calculated the benefits Petitioner should have received each month during the overissuance period based on the addition of Petitioner's unreported income. The Department received verification of Petitioner's income from a work number report and used it to calculate his actual income during the overissuance period. The Department also presented Petitioner's FAP Benefit Summary Inquiry (Exhibit A, p. 16). The Benefit Summary Inquiry shows Petitioner was issued FAP benefits in the amount of \$9,216 during the period of February 1, 2025, through July 31, 2025. The overissuance budgets show that with the inclusion of the unreported income, Petitioner should have received \$2,839 in FAP benefits. Therefore, the Department properly established that Petitioner was overissued FAP benefits in the amount of \$6,377 during the period of February 1, 2025, through July 31, 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 Department policy when it determined Petitioner was overissued FAP benefits in the amount of \$6,377 during the period of February 1, 2025, through July 31, 2025. Accordingly, the Department's decision is **AFFIRMED**.



**ELLEN MCLEMORE
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://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.



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