



Date Mailed: December 30, 2025
Docket No.: 25-044097
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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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

Date Mailed: December 30, 2025
Docket No.: 25-044097
Case No.: 114601551
Petitioner: COLIN C FRYE

HEARING DECISION

On November 7, 2025, Petitioner ██████ requested a hearing to dispute a Food Assistance Program (FAP) benefit overpayment. As a result, a hearing was scheduled to be held on December 23, 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 himself. Respondent Michigan Department of Health and Human Services (Department) had Overpayment Establishment Analyst Jason Morris appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 97-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 \$█████ for Food Assistance Program (FAP) benefits that were overpaid to him for the months of December 2024 through July 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. Petitioner and ██████ have one child together, ██████ (born August ██████ 2015).
2. On August ██████ 2024, Petitioner applied for FAP benefits from the Department.
3. On August ██████ 2024, the Department interviewed Petitioner to obtain additional information to determine Petitioner's FAP eligibility. During the interview, Petitioner reported that ██████ were living in his home.

4. On September [REDACTED] 2024, the Department mailed a notice of case action to Petitioner to notify him that he was approved for a FAP benefit of \$[REDACTED] per month, effective October 1, 2024. The notice of case action instructed Petitioner to notify the Department within 10 days of any changes in his circumstances that could affect his eligibility for public assistance, including changes in household income. The Department determined Petitioner's FAP eligibility based on the following information:

- a. Group size of four consisting of Petitioner, [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]
- b. Earned income of \$0.00 per month
- c. Unearned income of \$[REDACTED] per month
- d. Housing cost of \$[REDACTED] per month
- e. Standard deduction of \$217.00 per month
- f. Heat/utility standard of \$664.00 per month

5. [REDACTED] [REDACTED] was employed by [REDACTED] [REDACTED] and she received the following gross wages:

- a. \$[REDACTED] paid October 4, 2024
- b. \$[REDACTED] paid October 18, 2024
- c. \$[REDACTED] paid November 1, 2024
- d. \$[REDACTED] paid November 15, 2024
- e. \$[REDACTED] paid November 29, 2024
- f. \$[REDACTED] paid December 13, 2024
- g. \$[REDACTED] paid December 27, 2024
- h. \$[REDACTED] paid January 10, 2025
- i. \$[REDACTED] paid January 24, 2025
- j. \$[REDACTED] paid February 7, 2025
- k. \$[REDACTED] paid February 21, 2025
- l. \$[REDACTED] paid March 7, 2025

- m. \$ [REDACTED] paid March 21, 2025
- n. \$ [REDACTED] paid April 4, 2025
- o. \$ [REDACTED] paid April 18, 2025
- p. \$ [REDACTED] paid May 2, 2025
- q. \$ [REDACTED] paid May 16, 2025
- r. \$ [REDACTED] paid May 30, 2025
- s. \$ [REDACTED] paid June 13, 2025
- t. \$ [REDACTED] paid June 27, 2025
- u. \$ [REDACTED] paid July 11, 2025
- v. \$ [REDACTED] paid July 25, 2025

6. Petitioner did not report [REDACTED] income from employment, and the Department was otherwise unaware of [REDACTED] income from employment.
7. [REDACTED] [REDACTED] received \$ [REDACTED] per month for child support payments for [REDACTED]
8. Petitioner received the following unemployment compensation benefits:
 - a. \$ [REDACTED] paid December 28, 2024
 - b. \$ [REDACTED] paid January 11, 2025
9. The Department issued the following FAP benefits to Petitioner:
 - a. \$ [REDACTED] for December 2024
 - b. \$ [REDACTED] for January 2025
 - c. \$ [REDACTED] for February 2025
 - d. \$ [REDACTED] for March 2025
 - e. \$ [REDACTED] for April 2025
 - f. \$ [REDACTED] for May 2025
 - g. \$ [REDACTED] for June 2025
 - h. \$ [REDACTED] for July 2025

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10. In July 2025, the Department discovered that Petitioner's household had been receiving unreported income from ██████ employment at ██████ ██████
 11. The Department reviewed Petitioner's case, and the Department determined that Petitioner was only eligible to receive \$█████ in FAP benefits for the months of December 2024 through July 2025.
 12. The Department determined that it overpaid Petitioner due to Petitioner's error.
 13. The Department determined that it overpaid Petitioner \$█████ in FAP benefits because it issued him a total of \$█████ for the months of December 2024 through July 2025 when he was only eligible to receive \$█████
 14. On October █ 2025, the Department mailed a notice of overissuance to Petitioner to notify him that the Department overpaid him \$█████ in FAP benefits for the months of December 2024 through July 2025.
 15. 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 July 2025. When a client receives more benefits than he 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 a member of his household, ██████ began receiving income from employment. The Department properly determined that the overpayment was due to Petitioner's error. Since ██████ began receiving income from employment on October 4, 2024, the Department could not have reduced Petitioner's FAP benefit until December 2024 if Petitioner would have notified the Department of the change as required. Thus, the first month of the overpayment is December 2024.

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In December 2024, Petitioner received a FAP benefit based on a budgeted earned income amount of \$0.00. However, Petitioner's household member, [REDACTED] received actual gross income of \$[REDACTED]. Additionally, [REDACTED] received \$[REDACTED] in unearned income from child support, and Petitioner received \$[REDACTED] in unearned income from unemployment compensation benefits. Thus, Petitioner's total gross household income was \$[REDACTED] (rounded down). Petitioner was eligible for a standard deduction of \$217.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was ineligible for a FAP benefit for December 2024.

In January 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$0.00. However, Petitioner's household member, [REDACTED] received actual gross income of \$[REDACTED]. Additionally, [REDACTED] received \$[REDACTED] in unearned income from child support, and Petitioner received \$[REDACTED] in unearned income from unemployment compensation benefits. Thus, Petitioner's total gross household income was \$[REDACTED] (rounded down). Petitioner was eligible for a standard deduction of \$217.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was ineligible for a FAP benefit for January 2025.

In February 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$0.00. However, Petitioner's household member, [REDACTED] received actual gross income of \$[REDACTED]. Additionally, [REDACTED] received \$[REDACTED] in unearned income from child support. Thus, Petitioner's total gross household income was \$[REDACTED] (rounded down). Petitioner was eligible for a standard deduction of \$217.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was eligible for a \$[REDACTED] FAP benefit for February 2025.

In March 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$0.00. However, Petitioner's household member, [REDACTED] received actual gross income of \$[REDACTED]. Additionally, [REDACTED] received \$[REDACTED] in unearned income from child support. Thus, Petitioner's total gross household income was \$[REDACTED] (rounded down). Petitioner was eligible for a standard deduction of \$217.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was eligible for a \$[REDACTED] FAP benefit for March 2025.

In April 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$0.00. However, Petitioner's household member, [REDACTED] received actual gross income of \$[REDACTED]. Additionally, [REDACTED] received \$[REDACTED] in unearned income from child support. Thus, Petitioner's total gross household income was \$[REDACTED] (rounded down). Petitioner was eligible for a standard deduction of \$217.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was eligible for a \$[REDACTED] FAP benefit for April 2025.

In May 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$0.00. However, Petitioner's household member, [REDACTED] received actual

gross income of \$[REDACTED]. Additionally, [REDACTED] received \$[REDACTED] in unearned income from child support. Thus, Petitioner's total gross household income was \$[REDACTED] (rounded down). Petitioner was eligible for a standard deduction of \$217.00. 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.

In June 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$0.00. However, Petitioner's household member, [REDACTED] received actual gross income of \$[REDACTED]. Additionally, [REDACTED] received \$[REDACTED] in unearned income from child support. Thus, Petitioner's total gross household income was \$[REDACTED] (rounded down). Petitioner was eligible for a standard deduction of \$217.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was eligible for a \$[REDACTED] FAP benefit for June 2025.

In July 2025, Petitioner received a FAP benefit based on a budgeted earned income amount of \$0.00. However, Petitioner's household member, [REDACTED] received actual gross income of \$[REDACTED]. Additionally, [REDACTED] received \$[REDACTED] in unearned income from child support. Thus, Petitioner's total gross household income was \$[REDACTED] (rounded down). Petitioner was eligible for a standard deduction of \$217.00. Accordingly, Petitioner's net income was \$[REDACTED]. Based on Petitioner's net income and group size, Petitioner was ineligible for a FAP benefit for July 2025.

Petitioner asserted that the Department should not have added [REDACTED] as a member of his group, and the Department should not have considered [REDACTED] income when determining Petitioner's FAP eligibility. The Department properly added [REDACTED] as a member of Petitioner's group because Petitioner and [REDACTED] were living together with their minor child. Parents and their children under 22 years old who live together are required to be included in the same group regardless of whether they purchase and prepare food together. BEM 212 (October 1, 2024), p. 1. Since [REDACTED] was a member of Petitioner's group, the Department properly considered Kerri's income in determining Petitioner's FAP eligibility.

The Department issued Petitioner a total of \$[REDACTED] in FAP benefits for the months of December 2024 through July 2025, and Petitioner was only eligible to receive a total of \$[REDACTED] in FAP benefits for those months, so the Department overpaid Petitioner \$[REDACTED]. Accordingly, the Department properly determined that Petitioner owes the Department a debt of \$[REDACTED] for FAP benefits that were overpaid to him for the months of December 2024 through July 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 it overpaid Petitioner \$ [REDACTED] in FAP benefits for the months of December 2024 through July 2025.

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



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. 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, **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.

25-044097

Via Electronic Mail:

Agency Representative
ALISHA YOUNG
OVERPAYMENT ESTABLISHMENT
SECTION (OES)
235 S GRAND AVE STE 811
LANSING, MI 48933
**MDHHS-RECOUPMENT-
HEARINGS@MICHIGAN.GOV**

Respondent
WEXFORD COUNTY DHHS
10641 W WATERGATE RD
CADILLAC, MI 49601
**MDHHS-WEXFORD-MISSAUKEE-
HEARINGS@MICHIGAN.GOV**

Via First Class Mail:

Petitioner

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