



**Date Mailed:** January 15, 2026

**Docket No.:** 25-046020

**Case No.:** [REDACTED]

**Petitioner:** [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।

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

[REDACTED] MI [REDACTED]

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### **HEARING DECISION**

On November 26, 2025, Petitioner Timothy Novenski 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 January 13, 2026. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Anna Peterson, Overpayment Establishment Analyst.

A 91-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 \$2,230.00 for FAP benefits that were overpaid to Petitioner from March 1, 2024, to November 30, 2024, 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 [REDACTED] 2023, Petitioner applied for FAP and Cash benefits and reported no income.
2. On January 1, 2024, Petitioner began receiving Retirement, Survivors, and Disability Insurance (RSDI) income. Petitioner continued to receive RSDI income during the time relevant to this matter.
3. On March 11, 2024, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner was approved for FAP benefits of \$150.00 from January 16, 2024, to January 31, 2024, and \$291.00 per month from February 1, 2024, to December 31, 2024, based on \$[REDACTED] in earned and unearned income. Further, the Department advised Petitioner to report to the Department when Petitioner's household income exceeds the simplified reporting (SR) income limit of \$1,580.00 by the 10<sup>th</sup> of the following month.

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4. On June 21, 2024, Petitioner submitted a Semi-Annual Contact Report and reported beginning a new job. No other earned or unearned income was reported.
  5. On July 15, 2024, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner was approved for FAP benefits of \$235.00 per month from July 1, 2024, to December 31, 2024, based on \$[REDACTED] in earned income and \$[REDACTED] in unearned income. Further, the Department advised Petitioner to report to the Department when Petitioner's household income exceeds the SR income limit of \$1,580.00 by the 10<sup>th</sup> of the following month.
  6. On October 17, 2024, Petitioner submitted a Redetermination and reported no changes in household income.
  7. While processing Petitioner's October 17, 2024, Redetermination, the Department became aware of a system error that resulted in the monthly Social Security Administration (SSA) data exchange failing to interface. Therefore, Petitioner's receipt of RSDI income was not considered prior to Petitioner's receipt of FAP benefits from March 1, 2024, to November 30, 2024.
  8. On December 9, 2024, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner's FAP benefits would be closing beginning January 1, 2025.
  9. From March 1, 2024, to November 30, 2024, Petitioner received \$2,345.00 in FAP benefits.
  10. The Department failed to consider that Petitioner was receiving RSDI income before paying FAP benefits to Petitioner from March 1, 2024, to November 30, 2024.
  11. Petitioner received from the Department FAP benefits of \$291.00 per month from March 1, 2024, to May 31, 2024; \$235.00 per month from July 1, 2024, to September 30, 2024; and \$238.00 per month from October 1, 2024, to November 30, 2024.
  12. Petitioner was only eligible for FAP benefits of \$23.00 per month from March 1, 2024, to June 30, 2024; \$0.00 per month from July 1, 2024, to October 31, 2024; and \$23.00 from November 1, 2024, to November 30, 2024.
  13. The Department determined that Petitioner was overpaid \$2,230.00 in FAP benefits from March 1, 2024, to November 30, 2024.
  14. On November 13, 2025, the Department notified Petitioner of the overpayment.
  15. On November 26, 2025, Petitioner requested a hearing to dispute the overpayment.

25-046020

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## **CONCLUSIONS OF LAW**

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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 did not consider Petitioner's receipt of RSDI income. 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 March 1, 2024 to November 30, 2024, Petitioner was paid \$2,345.00 in FAP benefits when Petitioner was only eligible for \$115.00 in FAP benefits. The Department paid these FAP benefits to Petitioner without properly considering Petitioner's receipt of RSDI income. This caused Petitioner to receive more FAP benefits from the Department than Petitioner was eligible to receive. The overpayment was due to an agency error as the monthly SSA data exchange failed to interface with the department's system resulting in the Department failing to consider Petitioner's receipt of RSDI income before paying Petitioner FAP benefits. Because Petitioner was receiving RSDI income, Petitioner was only eligible for \$115.00 in FAP benefits from March 1, 2024, to November 30, 2024.

In this case, the Department presented sufficient evidence to establish that the total amount overpaid was \$2,230.00, from March 1, 2024, to November 30, 2024, 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 \$2,230.00 for FAP benefits overpaid to Petitioner from March 1, 2024, to November 30, 2024.

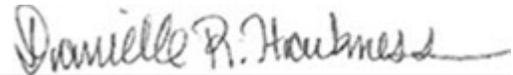
## **DECISION AND ORDER**

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

25-046020

owes the Department a debt of \$2,230.00 for FAP benefits that were overpaid to Petitioner from March 1, 2024, to November 30, 2024.

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



**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](https://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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[REDACTED]  
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