

Date Mailed: January 30, 2026

Docket No.: 25-047918

Case No.: [REDACTED]

Petitioner: [REDACTED]

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 January 21, 2026. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Julie Luczak, Overpayment Establishment Analyst (OEA).

ISSUE

Did the Department properly disqualify Petitioner from the Food Assistance Program (FAP) for 12 months, close Petitioner's FAP benefit case, and determine Petitioner must repay a FAP Intentional Program Violation (IPV) claim for \$878.00?

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 November 21, 2025, a Hearing Decision for Intentional Program Violation was issued following an October 23, 2025 hearing in MOAHR docket number 25-027725. The Decision and Order concluded that: the Department established by clear and convincing evidence that Petitioner committed an IPV; and that Petitioner received an overpayment of FAP benefits in the amount of \$1,035.00. The Department was ordered to initiate recoupment procedures for the amount of \$1,035.00 in accordance with Department policy. It was also ordered that Petitioner be disqualified from FAP for a period of 12 months. (Exhibit A, pp. 18-26)
2. The November 21, 2025, Hearing Decision advised Petitioner of his appeal rights, which included both appealing the Hearing Decision to the circuit court, and, sending a written request for a rehearing and/or reconsideration to the Michigan Office of Administrative Hearings and Rules (MOAHR) within 30 days of the mailing date of the Hearing Decision. (Exhibit A, p. 23)
3. On December 1, 2025, an Intentional Program Violation Client Notice was issued to Petitioner stating Petitioner was disqualified from FAP from 12 months from January 1, 2026 through December 31, 2026 based on the finding from the

administrative hearing. It was also explained that Petitioner was ordered to repay a \$1,035.00 overpayment of FAP benefits, however, as there had already been repayment of \$157.00 when the overpayment was categorized as a client error claim, the IPV claim has been established for \$878.00. (Exhibit A, pp. 6-10)

4. On December 5, 2025, Petitioner called the Department and made a verbal hearing request. (Exhibit A, p. 4)

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.

The Department is to disqualify an active or inactive recipient who is found by a court or hearing decision to have committed IPV. BAM 720, (June 1, 2024, p. 11). All IPV disqualifications must be served immediately. The Department is to begin the disqualification the first month after the notice is sent. BAM 720, p. 16.

To start benefit withholding/administrative recoupment and other collections on active and inactive FIP, SDA, RCA and FAP programs, the Department is to make the following changes on Bridges: complete an overpayment claim adjustment to reduce the outstanding balance of the client error overpayment claim to zero; and authorize an IPV overpayment claim for the outstanding balance of the client error overpayment claim (balance before overpayment claim adjustment). BAM 720, pp. 15-16.

For FAP only, a hearing request may be written or oral. BAM 600, (July 1, 2025), p. 2. MOAHR may grant a hearing about any of the following: denial of an application and/or supplemental payments; reduction in the amount of program benefits or service; suspension or termination of program benefits or service; restrictions under which benefits or services are provided; delay of any action beyond standards of promptness; or for FAP and CDC, the current level of benefits or denial of expedited service. BAM 600, p. 5.

In this case, On November 21, 2025, a Hearing Decision for Intentional Program Violation was issued following an October 23, 2025 hearing in MOAHR docket number 25-027725. The Decision and Order concluded that: the Department established by clear and convincing evidence that Petitioner committed an Intentional Program

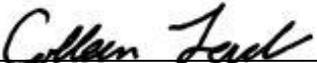
Violation (IPV); and that Petitioner received an overpayment of FAP benefits in the amount of \$1,035.00. The Department was ordered to initiate recoupment procedures for the amount of \$1,035.00 in accordance with Department policy. It was also ordered that Petitioner be disqualified from FAP for a period of 12 months. (Exhibit A, pp. 18-26). On December 1, 2025, an Intentional Program Violation Client Notice was issued to Petitioner stating Petitioner was disqualified from FAP for 12 months from January 1, 2026 through December 31, 2026 based on the finding from the administrative hearing. It was also explained that Petitioner was ordered to repay a \$1,035.00 overpayment of FAP benefits, however, as there had already been repayment of \$157.00 when the overpayment was categorized as a client error claim, the IPV claim has been established for \$878.00. (Exhibit A, pp. 6-10). The Department's actions were in accordance with the BAM 720 policy.

Petitioner disagrees with the IPV determination itself. Petitioner indicated he wished to provide evidence and arguments to show he did not commit an IPV. However, there is no jurisdiction to review the IPV determination as part of this hearing. Petitioner could have presented evidence and arguments contesting the Department's determination that he committed an IPV during the October 23, 2025 hearing. It is noted that Petitioner did not appear for the October 23, 2025 hearing. Further, the November 21, 2025, Hearing Decision advised Petitioner of his appeal rights if he disagreed with that decision. The appeal rights included both appealing the Hearing Decision to the circuit court, and sending a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of the Hearing Decision. (Exhibit A, p. 23). There was no evidence that Petitioner filed an appeal with the Circuit Court or submitted a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the November 21, 2025, Hearing Decision. On December 5, 2025, Petitioner called the Department and made a verbal hearing request. (Exhibit A, p. 4). The verbal hearing request can contest the December 1, 2025, an Intentional Program Violation Client Notice, but cannot be considered as an appeal of the November 21, 2025, Hearing Decision.

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 disqualified Petitioner from the FAP for 12 months, closed Petitioner's FAP benefit case, and determined Petitioner must repay a FAP IPV claim for \$878.00.

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



COLLEEN LACK
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.



Via Electronic Mail:

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