



Date Mailed: February 5, 2026
Docket No.: 26-001410
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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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.

Date Mailed: February 5, 2026

Docket No.: 26-001410

Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

On January 2, 2026, Petitioner 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 February 3, 2026. Petitioner appeared at the hearing on Petitioner's behalf. The Department of Health and Human Services (Department) did not appear for the hearing. The hearing was held in the Department's absence after waiting for the Department to appear for 15 minutes.

A 31-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 \$1,566.00 for FAP benefits that were overpaid to Petitioner from June 1, 2025, to November 30, 2025, 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] 2024, Petitioner submitted a Michigan Combined Application Project (MiCAP) application and reported having no other income other than Supplement Security Income (SSI).
2. On February 28, 2024, the Department mailed a Notice of Case Action to Petitioner to notify Petitioner that Petitioner was approved for a FAP benefit of \$241.00 per month from February 27, 2024, to March 31, 2024; and \$261.00 per month from April 1, 2024, to January 31, 2027.
3. On March 1, 2025, Petitioner began receiving Retirement, Survivors, Disability Insurance (RSDI) income.
4. The Department became aware of Petitioner's RSDI income from Social Security Administration (SSA) date match alerts.

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5. The Department failed to consider Petitioner's receipt of RSDI income prior to the issuance of FAP benefits to Petitioner from June 1, 2025, to November 30, 2025.
 6. From June 1, 2025, to November 30, 2025, Petitioner received \$261.00 per month in FAP benefits.
 7. The Department issued Petitioner \$1,566.00 in FAP benefits from June 1, 2025, to November 30, 2025.
 8. On November 25, 2025, the Department notified Petitioner of the overpayment.
 9. On January 2, 2026, 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 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, Petitioner stated that Petitioner was unaware that MiCAP was an SSI only program and Petitioner disputes the overpayment period of June 1, 2025, to November 30, 2025. The Department failed to appear for the February 3, 2026, hearing and prove that they properly determined that Petitioner owes the Department a debt of \$1,566.00 for FAP benefits that were overpaid to Petitioner from June 1, 2025, to November 30, 2025, due to a client error. Therefore, the Department's decision must be 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 failed to meet its burden of showing that it properly determined that Petitioner owes the Department a debt of \$1,566.00 for FAP benefits that were overpaid to Petitioner from June 1, 2025, to November 30, 2025, due to an agency error.

IT IS ORDERED that the Department's decision is **REVERSED**. The Department shall redetermine Petitioner's eligibility for FAP benefits beginning February 27, 2024.

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The Department shall begin to implement this decision within 10 days of the date of mailing of this decision and order.



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. 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: **Respondent**
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Via First Class Mail: **Petitioner**
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