

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No: 200711743
Issue No: 3052, 3020
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 8, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on December 8, 2010. The Claimant did not appear. Drema Piech, Recoupment Specialist appeared on behalf of the Department.

ISSUE

Was the Department correct in determining an over-issuance of Claimant's FIP and FAP benefits and for seeking recoupment?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was an on going recipient of FIP and FAP benefits.
- (2) In February 2007, the Department determined that an over-issuance had occurred. Claimant's children were not in her care and she was receiving FIP and FAP benefits on their behalf.
- (3) Claimant received over-issuances in the amount of \$1834 under the FAP program and \$1877 under the FIP program between February 2006 and January 2007.

- (4) The Department has recouped some of the over-issuances and the balances are currently \$1022 for FAP benefits and \$1846 for FIP benefits.
- (5) Claimant requested a hearing on February 15, 2007 contesting the over-issuance determination and recoupment of benefits.
- (6) Notice of debt collection hearing was sent to Claimant at her last known address.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the over-issuance (OI) if the over-issuance is greater than \$125. BPB 2010-005. The amount of the OI is the amount of benefits the group or provider actually received minus the amount the group was eligible to receive. BAM 720, p. 6.

In the present case, the Department verified that Claimant received over-issuances of \$1834 in FAP benefits and \$1877 in FIP benefits between February 2006 and January 2007. Claimant received benefits on behalf of her children when her children were not in her care. The Department's determination that Claimant has current over-issuances of \$1022 in FAP benefits and \$1846 in FIP benefits is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant received over-issuances in FAP program benefits of \$1022 and FIP benefits totaling \$1846. It is ORDERED that the Claimant reimburse the Department the total sum of \$1022 for FAP and \$1846 for FIP over-issuances and that

the Department shall initiate collection procedures in accordance with Department policy. The Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/16/10

Date Mailed: 12/20/10

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

AM/dj

cc:

