

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Respondent.

Reg. No: 2007-20745
Issue No: 4060
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 8, 2009
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to 7 CFR 273.18; 45 CFR 233.20(a)(13); MCL 400.9; MCL 400.37; MCL 400.43(a); MAC R 400.941 and MCL 24.201, *et seq.*, upon a hearing request by the Department of Human Services (department) to establish an overissuance of benefits to respondent. After due notice was mailed to respondent, a telephone hearing was held on July 8, 2009, at which respondent did not appear. This matter having been initiated by the department and due notice having been provided to the respondent, the hearing was held in respondent's absence in accordance with Bridges Administrative Manual, Item 725.

ISSUE

Did the respondent receive an overissuance of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits that the department is entitled to recoup?

FINDINGS OF FACT

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

1. Respondent applied for FIP and FAP and signed an application, DHS-1171, at the in-person interview on August 28, 2006 in the presence of department's caseworker.
2. Respondent reported earned income on her application and provided the caseworker with check stubs from [REDACTED] of Kalamazoo, indicating she was paid on a weekly basis.
3. Respondent's caseworker inadvertently budgeted her earned income as being received every two weeks, resulting in the respondent receiving FIP and FAP benefits based on less income than she was actually receiving.
4. As a result of this department error, respondent received \$2,222 in FIP benefits and \$888 in FAP benefits ineligibly for the period of time from October, 2006 through January, 2007.
5. Respondent was mailed a Notice of Overissuance and requested a hearing stating this was worker error and she should therefore not have to repay it.

CONCLUSIONS OF LAW

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 Dependent 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).

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Departmental policy, BAM 725, Collection Actions, states that when the client group receives more benefits than entitled to receive, DHS must attempt to recoup the overissuance (OI). Repayment of an OI is the responsibility of anyone who was an eligible, disqualified, or other adult in the program group at the time the OI occurred. Bridges will collect from all adults who were a member of the case. OIs on active programs are repaid by lump sum cash payments, monthly cash payments (when court ordered), and administrative recoupment (benefit reduction). OI balances on inactive cases must be repaid by lump sum or monthly cash payments unless collection is suspended.

Respondent's FIP and FAP overissuance was determined to be department error. Respondent wrote on her hearing request that because the overissuance was the result of error on part of her caseworker, she should not be required to repay FIP and FAP benefits she was not entitled to receive. Departmental policy requires that the department recoup department and client error overissuances. Respondent is therefore responsible for repayment of the overissuance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the respondent received an overissuance of FIP and FAP benefits for the time period of October, 2006 through January, 2007 that the department is entitled to recoup.

Department is therefore entitled to recoup FIP overissuance of \$2,222 and FAP overissuance of \$888 from the respondent. SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 27, 2010

Date Mailed: April 27, 2010

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.

IR/tg

cc:

