

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.: 2007-21578
Issue No.: 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 1, 2010
Calhoun County (21)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

ORDER OF DISMISSAL

This matter is before the undersigned by authority of MCL 400.9 and MCL 400.37 upon a DHS request for a hearing for debt establishment to pursue collection actions of allegedly over-issued benefits. [REDACTED] (Respondent) also requested a hearing on 6/26/07 disputing the recoupment of over-issued benefits.

Prior to the opening of a hearing record, DHS stated off-the-record that debt establishment need not be pursued because Respondent now understands that the recoupment actions by DHS are correct. Respondent appeared for the hearing but left prior to the commencement of the hearing. On behalf of Respondent, DHS submitted a Hearing Request Withdrawal signed by Respondent, not DHS, agreeing to dismiss the debt establishment based on Respondent's understanding that the DHS actions are correct.

The undersigned is not inclined to find that DHS may pursue debt establishment against Respondent solely on the basis of Respondent's failure to dispute the matter; a formal record establishing a basis for an over-issuance of benefits must still be established prior to debt establishment actions. Though DHS may pursue recoupment (repayment of benefits through active benefits) against Respondent, DHS has not established a basis for debt establishment. Pursuant to MAC R 400.906 and 400.903, the DHS and Respondent hearing requests are hereby DISMISSED because Respondent no longer disputes an action by DHS and DHS failed to establish a basis to pursue debt establishment against Respondent.

200721578/CG

If DHS chooses to pursue debt establishment proceedings against Respondent, DHS is not barred from requesting a future hearing nor is Respondent barred from disputing the action.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/14/2010

Date Mailed: 12/14/2010

NOTICE: The law provides that within 60 days from the mailing date of the above hearing Decision the Respondent may appeal it to the circuit court for the county in which he/she resides or has his or her principal place of business in this state, or in the circuit court for Ingham County. Administrative Hearings, on its own motion, or on request of a party within 60 days of the mailing date of this Hearing Decision, may order a rehearing.

CG/jlg

cc:

