

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

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 200815673
No.: 6052
Case No.: [REDACTED]
Hearing Date: March 23, 2011
DHS County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Department of Human Services' (Department) request for a Debt Collection hearing. After due notice, a telephone hearing was held on March 23, 2011. The Department was represented by [REDACTED]. Respondent did not appear at the hearing.

ISSUE

Did the Respondent receive an overissuance of Child Development Care (CDC) benefits?

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 was a recipient of CDC during the period of January 1, 2006 through March 31, 2006.
2. During the aforementioned period Respondent listed [REDACTED] as her CDC provider.
3. [REDACTED] was not Respondent's CDC provider.
4. Respondent kept for herself the money the Department issued for [REDACTED] [REDACTED] in the sum of \$835.20.

5. As a result, Respondent received an overissuance in CDC benefits totaling \$835.20 for the period of January 1, 2006 through March 31, 2006.
6. Respondent did not sign a repay agreement.
7. Respondent's last known address was [REDACTED]
8. A Notice of Debt Collection Hearing was sent to Respondent at her last known address on February 15, 2011.
9. Respondent failed to appear at the hearing, which was conducted in her absence.

CONCLUSIONS OF LAW

The CDC program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained 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 overissuance (OI). BAM,700, p. 1.

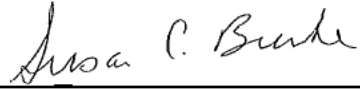
In the present case, Respondent received CDC payments that were not intended for her in the amount of \$835.20. Respondent therefore received an overissuance in benefits amount of \$835.20 in CDC benefits. Respondent did not sign a repay agreement. Notice of this hearing was sent to Respondent at her last known address, and, therefore I find that Respondent was notified of these proceedings. Respondent was not present at the hearing. I find that Respondent owes the Department \$835.20 for the CDC benefits that were overissued.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Respondent received an overissuance of CDC benefits totaling \$835.20. It is therefore ORDERED that Respondent reimburse the Department the total sum of \$835.20 of CDC overissuance, and that the Department shall initiate collection

200815673/SCB

procedures in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 13, 2011

Date Mailed: April 13, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SCB/hw

cc:

