

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.: 200815891

Issue No.: 1030; 3052

Case No.: [REDACTED]

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 Family Independence Program (FIP) and Food Assistance Program (FAP) 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 FIP and FAP during the period of January 1, 2007 through January 1, of 2008.
2. During the aforementioned period, Respondent's husband lived in the home of Respondent and their children.
3. During the aforementioned period, Respondent's husband received income that was not budgeted by the Department.

4. As a result, Respondent received an overissuance in FIP benefits in the amount of \$2,015.00 and FAP benefits in the amount of \$3,524.00 for the period of January 1, 2007 through January 1, 2008.
5. Respondent did not sign a repay agreement.
6. Respondent's last known address was [REDACTED]
7. A Notice of Debt Collection Hearing was sent to Respondent at her last known address on February 15, 2011.
8. Respondent failed to appear at the hearing, which was conducted in her absence.

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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

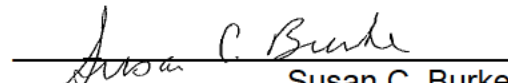
The Food Assistance Program (FAP) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department administers the FAP program pursuant to MCL 400.10, *et seq.* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and 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's husband received income that was not budgeted by the Department. As a result, Respondent received overissuances in FIP benefits in the amount of \$2,015.00 and FAP benefits in the amount of \$3,524.00 for the period of January 1, 2007 through January 1, 2008. 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 \$2,015.00 for FIP benefit overissuance and \$3,524.00 for FAP benefit overissuance.

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 FIP benefits in the amount of \$2,015.00 and an overissuance of FAP benefits in the amount of \$3,524.00. It is therefore ORDERED that Respondent reimburse the Department the sum of \$2,015.00 of FIP overissuance and \$3,524.00 in FAP overissuance and that the Department shall initiate collection 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:

