

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-37214
Issue No: 3000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 22, 2009
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9; and MCL 400.37; upon claimant's request for a hearing filed on September 10, 2009. After due notice, a hearing was held October 22, 2009.

Department's Hearing Summary addressed department's action of September, 2009 pertaining to yearly review of claimant's Food Assistance Program (FAP) benefits. Such review was completed on September 2, 2009 and resulted in reduction of claimant's FAP benefits in the amount of \$1. Hearing testimony revealed however that the claimant is not contesting FAP budgeting of his household income and expenses completed in September, 2009, but is instead objecting to a FAP benefit recoupment initiated in 2008. Department's representative explained that the claimant had in fact signed "Department and Client Error Information and Repayment Agreement" on July 21, 2008, indicating his agreement to repay overissued FAP benefits. Claimant however attempted to put in question the authenticity of his signature on the said agreement, but did not say for certain that the signature was not his. Claimant also cited a

previous hearing decision that he claimed does not allow the department to proceed with the recoupment.

Following the hearing the department provided the agreement signed by the claimant on July 21, 2008. Claimant's signature is unusual and certainly looks the same as his signature on the current hearing request. Department also provided the hearing decision cited by the claimant, but this decision from a hearing of July 9, 2008, pertains to department's budgeting of claimant's starting SSI income on his Family Independence Program (FIP) and FAP benefits, and his problems with his Medicaid card. Decision does not address FAP recoupment action and it would not address such action, as the claimant did not sign the repayment agreement until July 21, 2008.

Claimant also provided additional statement following the hearing. The Administrative Law Judge does not find claimant's statement to have any merit as it pertains to the FAP recoupment.

In conclusion, claimant's arguments that he possibly did not sign the FAP recoupment agreement in July, 2008 are found not to be credible. Furthermore, such recoupment started in year 2008. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (MAC) R 400.901-.951. Any hearing request which protests a denial, reduction, or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904.

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Claimant's hearing request on 2008 recoupment action is therefore untimely. Claimant's hearing request is HEREBY DISMISSED.

/s/

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

Date Signed: January 4, 2010

Date Mailed: February 3, 2010

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

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