

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: 2009-22061
Issue No: 6052
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 8, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R 400.3130, and MAC R 400.3178 upon the Department of Human Services (department) request for a disqualification hearing. After due notice, an in-person hearing was held on December 8, 2009. A Notice of Disqualification Hearing was mailed to respondent at her last known address and was not returned by the U. S. Post Office as undeliverable. Respondent's last known address is: [REDACTED]

[REDACTED]. Claimant did appear at the hearing.

ISSUE

Whether respondent committed an Intentional Program Violation (IPV) and whether respondent received an overissuance of benefits that the Department of Human Services (department) is entitled to recoup?

FINDINGS OF FACT

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

(1) August 2, 2006, March 19, 2007, and October 26, 2007, respondent signed applications for department programs and acknowledged her obligation to report changes in circumstances within ten days. Department Exhibit A, Item #1, #3, and #6.

(2) Respondent failed to provide complete information about when her employment would end, when she was at Work First for training, and when she was job searching. Department Exhibit A, Item #2, #4, #5, #7, #8, #9, #10, and #12.

(3) As a result of respondent's failure to report all changes in household circumstances to the department within ten days of such change, respondent was overissued ██████████ in Child Development and Care (CDC) program benefits from the period January 7, 2007 to October 13, 2007 and May 11, 2008 to July 19, 2008. Department Exhibit A, Item #7 and #11.

(4) This is respondent's first alleged IPV.

CONCLUSIONS OF LAW

The Child Development and Care 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 of Human Services (DHS or 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Program Reference Table (RFT).

The department's manuals provide the following relevant policy statements and instructions for department caseworkers.

When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the overissuance (OI). BAM 700.

An overissuance (OI) is the amount of benefits issued to the client group or CDC provider in excess of what they were eligible to receive.

Overissuance type identifies the cause of an overissuance.

Suspected IPV means an overissuance exists for which all three of the following conditions exist:

- The client intentionally failed to report information or intentionally gave incomplete or inaccurate information needed to make a correct benefit determination, and
- The client was clearly and correctly instructed regarding his or her reporting responsibilities, and
- The client has no apparent physical or mental impairment that limits his or her understanding or ability to fulfill their reporting responsibilities.

IPV exists when the client/authorized representative (AR) or CDC provider:

- Is found guilty of fraud by a court, or
- Signs a DHS-4350 and the prosecutor or OIG authorizes recoupment in lieu of prosecution, or
- Is found responsible for the IPV by an Administrative Law Judge conducting an IPV or Debt Establishment hearing. BAM 720.

The amount of the OI is the amount of benefits the group or provider actually received minus the amount the group was eligible to receive. BAM 720.

OIG represents the department during the hearing process for IPV hearings.

In this case, the department has requested an IPV hearing to establish an overissuance of benefits as a result of an IPV. The department has established that the respondent was aware of the responsibility to report all changes in household circumstances to the department within ten days of such change. The respondent has no apparent physical or mental impairment that limits the understanding or ability to fulfill the reporting responsibilities.

As a result of respondent's failure to report all changes in household circumstances to the department within ten days of such change, respondent committed an IPV and received an overissuance of CDC benefits in the amount of [REDACTED] which the department is entitled to recoup.

DECISION AND ORDER

The Administrative Law Judge, based upon the clear and convincing evidence, decides the following:

Respondent committed an IPV of the CDC program and the department is entitled to recoup the overissuance of CDC benefits in the amount of [REDACTED]

It is so ORDERED.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 8, 2010

Date Mailed: January 15, 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.

2009-22061/jab

JAB/db

cc:

