

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: 2009-34148
Issue No: 4060
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 2010
Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to 7 CFR 273.18; 45 CFR 233.20(a)(13); MCL 400.9; MCL 400.37; MCL 400.43(a); MAC R 400.941 and MCL 24.201, *et seq.*, upon a hearing request by the Department of Human Services (department) to establish an overissuance of benefits to respondent. After due notice was mailed to respondent, a hearing was held August 18, 2010, at which respondent did appear and provide testimony.

ISSUE

Did the respondent receive an overissuance of Family Independence Program (FIP) benefits that the department is entitled to recoup?

FINDINGS OF FACT

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

1. The respondent signed an Assistance Application (DHS-1171) on December 15, 2008. On this application, she indicated that she received occasional child support. (Department Exhibit 1 – 16)

2. The respondent acknowledged that all child support received while on FIP benefits must be returned to DHS. (Department Exhibit 17)

3. The respondent received \$398.00 in child support as follows that was not returned to DHS:

January 8, 2009	\$112.89
January 22, 2009	\$ 87.88
January 27, 2009	\$197.23 (Department Exhibit 22)

4. The respondent was mailed a Notice of Overissuance (DHS-4358) on July 10, 2009, indicating she had been overissued \$348 in FIP benefits because she did not turn in the child support to the agency. (Department Exhibit 24 – 28)

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 of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Departmental policy, BAM 725, Collection Actions, states that when the client group receives more benefits than entitled to receive,

DHS must attempt to recoup the overissuance (OI). Repayment of an OI is the responsibility of anyone who was an eligible, disqualified, or other adult in the program group at the time the OI occurred. Bridges will collect from all adults who were a member of the case. OIs on active programs are repaid by lump sum cash payments, monthly cash payments (when court ordered), and administrative recoupment (benefit reduction). OI balances on inactive cases must be repaid by lump sum or monthly cash payments unless collection is suspended.

Respondent's FIP overissuance was determined to be client error. The respondent testified that her case worker told her not to worry about the child support because she hadn't been getting any support routinely. However, the respondent signed for and acknowledged her responsibility to turn over all child support checks to the department when received at the time she signed her application. This Administrative Law Judge finds that the evidence presented by the department shows that the respondent failed to return her child support checks to the agency. Departmental policy requires that the department recoup any benefits that were overissued to the respondent. Respondent is therefore responsible for repayment of the overissuance in the amount of \$348 as she failed to turn over the child support payments to the department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the respondent received an overissuance of FIP benefits that the department is entitled to recoup.

Department is therefore entitled to recoup FIP overissuance of \$398 from the respondent.

SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 13, 2010

Date Mailed: October 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.

SLM 

cc:

