

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.: 2010-43655
Issue No.: 3052/1030
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 16, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on August 16, 2010. The claimant appeared and testified. [REDACTED], ES and [REDACTED], Recoupment Specialist Liaison appeared on behalf of the Department.

ISSUE

Whether the Claimant has satisfied repayment of the over issuance amount for her Food Assistance benefits (FAP) and whether the Claimant has satisfied the repayment of her over issuance for FIP Cash Assistance 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. The claimant was a recipient of food assistance (FAP) and cash assistance(FIP) benefits and was subject to recoupment for benefits improperly received beginning February 1, 1995 through July 31, 1996 for both FIP and FAP benefits received during this time period. Exhibit page 1
2. The Claimant entered into repayment agreements for both her FIP and FAP benefits, Exhibit pages 2 - 3.
3. The claimant's food assistance over issuance was in the amount \$1190.
4. As of July 1, 2010, the claimant's food assistance FAP recoupment had been paid in full. Exhibit Pages 6, 19 and 25.

5. The claimant's cash assistance over issuance in was in the amount of \$2470. As of March 14, 2010 the remaining recoupment amount was \$1246.50. Exhibit. Page 1
6. The Claimant is no longer receiving FIP benefits and thus no amount is being recouped at present.
7. The claimant continues to receive food assistance benefits.
8. The original hearing was continued so the Department could fully research the recoupment amounts received from the Claimant through deduction from her benefits. The Department researched payment information back to 2006 as that is the date the Claimant believed that the recoupment began being taken from her checks. The Department also searched under two case numbers as the Department had inadvertently opened two cases.
9. The Claimant's FAP over issuance amount has been paid in full and the Department's accounting of recoupment amounts withheld is correct and totals \$1190. Exhibits page 2.
10. The Claimant's FIP over issuance amounts paid to date total \$1223.50 and was established by Department records. The balance owed is correct and is \$1246.50. Exhibit page 1
11. The Department began the FIP recoupment in July 2008, Exhibit page 18 and stopped recoupment in December 2008. Exhibit pages 16 -18.
12. The Department resumed FIP recoupment in January 2009 and stopped recoupment in December 2009 when the Claimant stopped receiving FIP benefits as a result of receiving a 6 month sanction for failure to attend Work First. Exhibit pages 20 – 24.
13. The Claimant requested a hearing protesting that she had paid the recoupment amounts for both her FAP and FIP benefit over issuance in full. The Department received the claimant's hearing request on March 16, 2010.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) 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 of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 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 Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), 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 over issuance (OI). PAM 700, p. 1. In this matter the over issuance amounts and the Department's entitlement to recoup benefits was established by repayment agreement. The Claimant did not protest the total original amount of the over issuances for FIP and FAP but requested a hearing because she believed she had paid the over issuance amount for both FIP and FAP in full.

In this matter the Department extensively researched back to 2006 to determine all recoupment payments made by the Claimant and provided a series of documents detailing the payments deducted and the date of the deduction from the Claimant's FIP and FAP benefits to satisfy the over issuance amounts. After a thorough review of all these documents, it is determined that the Department fully accounted for all monies it received in repayment and its figures both for the amount paid to date and the amount remaining for FIP are correct. The Department recoupment specialist did an excellent job researching and presenting the evidence to establish payments received and the balance remaining for FIP.

The Department has met its burden of proof and established by clear and convincing evidence that the Department did not recoup more than it was entitled to receive and that the Claimant did not over pay her obligation of repayment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department established the complete record of FIP and FAP recoupment amounts paid by the Claimant and provided a full accounting of all payments received, and therefore the Department's determination that the FAP

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recoupment is satisfied in full is AFFIRMED, and that the balance remaining for recoupment for FIP benefits in the amount of \$1246.50 is correct and is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/25/2010

Date Mailed: 8/25/2010

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 of the rehearing decision.

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