STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2010-10825 4060 October 5, 2011 Oakland County DHS (02)
ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris		
HEARING DECIS	<u>ION</u>	
This matter is before the undersigned Administrative and MCL 400.37; MCL 400.43 (a); Mich Admin Coseq., upon a hearing request by the Department establish an over issuance (OI) of benefits to Resewas held on October 5, 2011	ode, R 400.941 of Human Servi	and MCL 24.201, et ces (Department) to
Respondent did not appear. This matter havi and due notice having been provided to Res Respondent's absence in accordance with Bridge 725. Other participants included Department of Human Services.	pondent, the he <u>s_</u> Administrative	earing was held in
Respondent appeared and testified.		
ISSUE		
Did Respondent receive an OI of ⊠ FIP ☐ FAP	☐ SDA ☐ CDC	benefits?
FINDINGS OF FA	<u>ACT</u>	
The Administrative Law Judge, based on the cevidence on the whole record, finds as material fac		rial, and substantial
 Respondent was a recipient of	P ☐ SDA ☐ CI	OC during the period

2.	Respondent did not receive a \boxtimes FIP \square FAP \square SDA \square CDC OI during the period January , through May 2009, due to \boxtimes Department's \square Respondent's error.
3.	\$0 of the OI is still due and owing to the Department.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human ervices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 2000 AACS, Rule 400.3151 through alle 400.3180.
19 Th an	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. e program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 d 99. The Department provides services to adults and children pursuant to MCL 0.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.
em Re we	ditionally, the Department did not present any evidence that the Claimant was apployed during the period of the alleged overissuance and did not establish that espondent received an overissuance of FIP benefits when her employment earnings are not timely budgeted. Further, the Department did not provide any budgets to tablish the overissuance amount, and thus did not establish an overissuance of FIP

benefits was received by Respondent.

a rehearing.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly improperly determined that Respondent received a \$1613 OI of FIP FAP SDA CDC benefits.
DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department \square did \boxtimes did not make the correct determination to establish a debt.
Accordingly, the Department is AFFIRMED REVERSED AFFIRMED IN PART with respect to and REVERSED IN PART with respect to for the reasons stated on the record.
☐ The Department is ORDERED to initiate collection procedures in accordance with Department policy.
THE DEPARTMENT'S REQUEST TO INITIATE DEBT COLLECTION PROCEEDINGS IS DENIED.
Accordingly, IT IS ORDERED THAT THE DEPARTMENT SHALL DELETE THE FIP OVERISSUANCE BALANCE OF \$1613 IN FIP BENEFITS.
Lynn M. Ferris Administrative Law Judge for Maura Corrigan, Director Department of Human Services
Date Signed: October 6, 2011
Date Mailed: October 6, 2011
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

Claimant may request a rehearing or reconsideration for the following reasons:

• A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.

request of a party within 60 days of the mailing date of this Hearing Decision, may order

- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,

- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

