

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.: 2010-17170
Issue No.: 3020
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 17, 2010
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on March 17, 2010. The Claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. Claimant and her witness testified through an interpreter, [REDACTED]. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS is correctly recouping Claimant's FAP due to an over-issuance of benefits stemming from DHS error?

FINDINGS OF FACT

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

1. Claimant is an ongoing FAP recipient.
2. Claimant received \$432/month in FAP between 10/09 through 1/10

3. Claimant should have received \$310/month in FAP between 10/09 through 1/10
4. The over-issuance of FAP benefits was caused by a DHS error in budgeting Claimant's obligation for rent.
5. Claimant currently receives \$310/month in FAP.
6. Claimant submitted a Hearing Request on 1/14/10 protesting the recoupment of the FAP benefits.
7. Claimant and DHS agree that the over-issuance of FAP shall be recouped at a rate of 10% of Claimant's ongoing FAP benefits until the over-issuance is completed.

CONCLUSIONS OF LAW

Under Program Administrative Manual (PAM) 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an administrative hearing to review the decision and determine if it is appropriate. Efforts to clarify and resolve a client's concerns start when DHS receives a hearing request and continues through the day of the hearing.

In the present case, the parties reached an agreement. Since Claimant and DHS have come to an agreement it is unnecessary for the undersigned to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. DHS shall continue to recoup Claimant's active FAP benefits at a rate of 10% until the FAP over-issuance is repaid.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/29/2010

Date Mailed: 3/29/2010

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.

CG/jlg

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