

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: 2010-30365

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 24, 2010

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on January 25, 2010. After due notice, a telephone hearing was held on Tuesday, August 24, 2010.

ISSUE

Whether the Department of Human Services (Department) determined that it is entitled to recoup an overissuance of Child Development and Care (CDC) benefits received by the Claimant?

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 received CDC benefits as a group of three from April 26, 2009, through May 23, 2009.

(2) The Claimant receives monthly earned income in the gross monthly amount of [REDACTED]. Department Exhibit 15.

(3) One of the Claimant's children stopped receiving Supplemental Security Income benefits in July of 2008. Department Exhibit 1 – 3.

(4) On January 20, 2010, the Department notified the Claimant that she had received a [REDACTED] overissuance of CDC benefits. Department Exhibit 12 – 14.

(5) The Department received the Claimant's request for a hearing on January 25, 2010, protesting the Department's recoupment of CDC benefits.

### 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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

An overissuance is the amount of benefits issued to the client group in excess of what they were eligible to receive. BAM 705. The amount of the overissuance is the amount of benefits the group actually received minus the amount the group was eligible to receive. BAM 720. When a client group receives more benefits than they are entitled to receive, the Department must attempt to recoup the overissuance. BAM 700.

Department errors are caused by incorrect actions by the Department. BAM 705.

Department error overissuances are not pursued if the estimated overissuance is less than \$125 per program. BAM 700. Client errors occur when the customer gave incorrect or incomplete information to the Department. Client errors are not established if the overissuance is less than \$125 unless the client group is active for the overissuance program, or the overissuance is a result of a quality control audit finding. BAM 700.

The Claimant received CDC benefits from April 26, 2010, through May 23, 2010. The Claimant's eligibility for CDC benefits was based on the Department's failure to note that one of the Claimant's children was no longer eligible for Supplemental Security Income (SSI). After reviewing the Claimant's eligibility for CDC benefits, the Department determined that she was not eligible for CDC benefits due to excess income.

The Claimant receives monthly earned income in the gross monthly amount of [REDACTED] as a group of three. The CDC income eligibility limit for a group of three is [REDACTED]. Therefore, the Claimant is not eligible for CDC benefits. Due to Department error, the Claimant was issued CDC benefits totaling [REDACTED] from April 26, 2009, through May 23, 2009, when she was not eligible to receive these benefits.

The Department has established that it acted in accordance with policy in its efforts to recoup overissued CDC benefits totaling [REDACTED].

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department is entitled to recoup an overissuance of CDC benefits totaling [REDACTED]

The Department's recoupment of CDC benefits is AFFIRMED. It is SO ORDERED.

/s/  
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Kevin Scully  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: August 27, 2010

Date Mailed: August 30, 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.

KS/vc

cc:

