

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201037977
Issue No: 3052; 1031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 10, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on November 10, 2010.

ISSUE

Was the claimant properly determined to have an over-issuance in the FAP and FIP programs?

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 was a FAP and FIP recipient in Macomb County.
- (2) The Department filed a request for a debt-establishment hearing on September 29, 2009.
- (3) A hearing was held on November 10, 2010.
- (4) The respondent appeared at the hearing.

- (5) At the hearing, the Department stated that they were unable to present any evidence of a debt and rested without offering to admit any evidence.

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 (DHS or Department) administers the FAP program pursuant to MCL 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 (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 Bridges Reference Manual (BRM).

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105.

A client/CDC provider error over-issuance (OI) occurs when the client received more benefits than they were entitled to because the client/CDC provider gave incorrect or incomplete information to the department. BAM 715. This includes failing to report a change. An agency error OI is caused by incorrect actions (including delayed or no

action) by DHS or Department processes. BAM 705. When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the over-issuance. BAM 700.

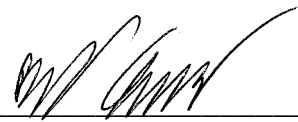
Agency error OI's are not pursued if the estimated OI amount is less than \$125 per program. BAM 700.

In the current case, the Department stated that they had no evidence that the respondent owed a debt as a result of an over-issuance of benefits. The Department rested their case without presenting evidence of a debt. Therefore, the undersigned finds that the respondent does not owe a debt to the Department as a result of a benefit over-issuance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not shown evidence of a debt owed by the claimant as a result of a benefit over-issuance.

Recoupment or collection of the FAP and FIP benefits in question is DENIED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/19/10

Date Mailed: 11/22/10

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

RJC/dj

cc:

