

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.: 201050029
Issue No.: 1030
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 24, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 24, 2011. The Claimant appeared and testified.

[REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant received an overissuance of FIP 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) Claimant was a FIP recipient.
- (2) On January 13, 2010 the Department determined that overissuance occurred due to Department error in the amount of \$827.92. The agency failed to budget income timely.

- (3) Claimant had \$825 earned income in December 2009 from her job with the [REDACTED].
- (4) Claimant had \$450 earned income in January 2010 from her job with the [REDACTED].
- (5) Claimant received \$413.95 in FIP benefits in December 2009 and was only entitled to \$97; an overpayment of \$316.95.
- (6) Claimant received \$413.95 in FIP benefits in January 2010 and was only entitled to \$397; an overpayment of \$22.95.
- (7) Claimant received overissuances in the amount of \$339.90 between December 2009 and January 2010 under the FIP program due to Department error.
- (8) Claimant requested a hearing on January 25, 2010 contesting the overissuance determination and recoupment of benefits.

CONCLUSIONS OF LAW

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 Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

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When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the over issuance (OI) if the overissuance is greater than \$125. BPB 2010-005. The amount of the OI is the amount of benefits the group or provider actually received minus the amount the group was eligible to receive. BAM 720, p. 6.

In the present case, the Department presented adequate proof, in the form of a detailed earnings history, that Claimant had employment earnings in December 2009 and January 2010 that caused her to have an overissuance of FIP benefits in the amount of \$339.90. The determination made by the Department, and presented at hearing showed an overissuance of \$827.92 in FIP benefits between December 2009 and January 2010. Therefore the Department's determination of overissuance was incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department incorrectly determined the amount of overissuances received by the Claimant and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant received overissuances in FIP program benefits of \$339.90, due to agency error, the Department is entitled to

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recoup FIP benefits in that amount.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 11, 2011

Date Mailed: February 11, 2011

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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