

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20108040
Issue No.: 4060
Hearing Date: October 5, 2011
Bay County DHS

Administrative Law Judge: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge in accordance with 7 CFR 273.18, 45 CFR 233.20(a)(13), MCL 400.9, MCL 400.37, MCL 400.43(a), MCL 24.201, *et seq.*, and 1999 AC, R 400.941, upon a hearing request by the Department of Human Services (the Department) to establish a debt based on a claimed overissuance of benefits to Respondent. Following due notice mailed to Respondent at Respondent's last known address on file with the Department, a hearing was held on October 5, 2011.

Respondent did not appear. This matter having been initiated by the Department and due notice having been provided to Respondent, the hearing was held in Respondent's absence in accordance with Bridges Administrative Manual (BAM), Item 725.

ISSUE

Whether Respondent received an overissuance (OI) of State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

Based on the competent, material, and substantial evidence on the whole record, the Administrative Law Judge finds as relevant fact:

1. Respondent was a recipient of SDA benefits from February 2005 through October 2005.
2. Following an administrative hearing held on May 24, 2005, Administrative Law Judge Jennifer Isiogu issued a decision on October 11, 2005 affirming the Department's February 18, 2005 determination that Respondent is no longer eligible to receive SDA benefits because he has not established a continued

impairment so severe that it prevented him from working at any job for a period of 30 days or more. (Department Exhibits 19-30).

3. On September 9, 2009, the Department notified Respondent that, in light of the administrative hearing decision issued on October 11, 2005, he received an overissuance of SDA benefits during the period February 1, 2005 through October 31, 2005 in the amount of [REDACTED] (Department Exhibit 32).
3. The OI amount of [REDACTED] is still due and owing to the Department.
4. On September 16, 2009, Respondent requested a hearing. (Hearing Request).

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACRS, Rule 400.3151 through Rule 400.3180. .

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.

In this case, Respondent was a recipient of SDA benefits in 2009 and received an overissuance of such benefits during the period of February 1, 2005 through October 31, 2005 in the amount of [REDACTED]. The Department's determination that Respondent received an overissuance followed an administrative hearing and the subsequent issuance of an administrative hearing decision on October 11, 2005 affirming the Department's February 18, 2005 conclusion that Respondent is no longer eligible to receive SDA benefits because he has not established a continued impairment so severe that it prevented him from working at any job for a period of 30 days or more.

Based upon the above Findings of Fact and Conclusions of Law, and the evidence and testimony provided during the hearing, the Administrative Law Judge concludes that the Department properly determined that Respondent received a [REDACTED] overissuance of SDA benefits.

DECISION AND ORDER

Accordingly, the Department is AFFIRMED with respect to the overissuance and the Department is ORDERED to initiate collection procedures in accordance with Department policy.

It is SO ORDERED.

/S/
Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 5, 2011

Date Mailed: October 5, 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 request of a party within 60 days of the mailing date of this Hearing Decision, may order a rehearing.

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

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- 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

SDS/db

cc:

