

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Respondent

Reg. No: 2010-8502
Issue No: 4060
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 28, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to 7 CFR 273.18; 45 CFR 233.20(a)(13); MCL 400.9; MCL 400.37; MCL 400.43(a); MAC R 400.941 and MCL 24.201, *et seq.*, upon a hearing request by the Department of Human Services (department) to establish an overissuance of benefits to respondent. After due notice was mailed to respondent, a hearing was held July 28, 2010, at which respondent did not appear. This matter having been initiated by the department and due notice having been provided to the respondent, the hearing was held in respondent absence in accordance with Program Administrative Manual, Item 725.

ISSUE

Did the respondent receive an overissuance (OI) of Family Independence Program (FIP) benefits that the department is entitled to recoup?

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 respondent applied for and received FIP assistance. (Department Exhibit 3 -17)
2. On November 3, 2009, the respondent reported that she and her boyfriend had both started working at [REDACTED] in September, 2009. The respondent reported that they were both working 32 – 40 hours per week at \$8.00 per hour. The respondent also reported that she had been employed with [REDACTED] until approximately September 5, 2009. (Department Exhibit 18)
3. The department mailed the claimant a Notice of Overissuance (DHS-4358) that indicated there was a FIP OI in the amount of \$918 for July and August, 2009 and November, 2009. (Department Exhibit 19 – 23)

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 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 Program Reference Manual (PRM).

Departmental policy, BAM 725, Collection Actions, states that when the client group receives more benefits than entitled to receive, DHS must attempt to recoup the overissuance

(OI). Repayment of an OI is the responsibility of anyone who was an eligible, disqualified, or other adult in the program group at the time the OI occurred. Bridges will collect from all adults who were a member of the case. OIs on active programs are repaid by lump sum cash payments, monthly cash payments (when court ordered), and administrative recoupment (benefit reduction). OI balances on inactive cases must be repaid by lump sum or monthly cash payments unless collection is suspended.

In this case, the department is alleging the respondent was overissued \$918 in FIP benefits for the months of July and August, 2009 and November, 2009. However, the department has not provided any evidence to establish what the correct OI amount is or even when the OI occurred. The department simply presents a Bridges printout that indicates \$306 was overissued for July, August and November, 2009. This does not show how any OI was determined to exist or how the amount was computed. Thus, the department has failed their burden of establishing the debt.

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 that there was an overissuance that they are entitled to recoup.

Accordingly, the department's request for debt establishment is DENIED. SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 13, 2010

Date Mailed: October 14, 2010

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.

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