

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: 2010-14848
Issue No: 4060
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 4, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held February 4, 2010. Claimant and her husband personally appeared and testified.

ISSUE

Did the department correctly determine that the claimant was overissued Child Development and Care (CDC) benefits in the amount of \$4,634.68?

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 CDC recipient. On October 22, 2009 Bridges computer system sent the claimant a Notice of Overissuance for the CDC pay periods of 6/21/2009 to 10/10/2009. On December 14, 2009 a Notice of Overissuance was reprinted from Bridges Correspondence

History indicating a \$4,634.68 overissuance amount for the above quoted period of time. (Department's Hearing Summary).

2. Bridges Benefit Recovery only indicates an overissuance from 4/12/2009 to 5/23/2009 in the amount of \$653.12 and an overissuance from 6/21/2009 to 10/10/2009 of \$954.72. (Department's Hearing Summary).

3. Claimant's CDC case has four active children for CDC payments, 90 hours authorized each pay period at 95%. Claimant has requested a hearing in February, 2009 due to an overpayment that was a result of DHS Central Office Audit.

4. Claimant requested a hearing on November 2, 2009 regarding this alleged debt.

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 contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Alleged CDC overissuance that is the subject of this hearing was based partially on DHS audit concluding that the claimant should have received CDC payments for 50 hours a pay period instead of 90 hours a pay period. A hearing was held on the same day on the issue of what the claimant was indeed entitled to receive, Register No. 2009-16690. This Administrative Law Judge ordered the department to recompute the number of CDC hours claimant was entitled

to at 75 hours a pay period. Following this new computation department can address the accuracy of the claimed overissuance, which is noted to currently be at \$954.72. This is because the department advised following the hearing that the \$4,634.68 overissuance amount is incorrect and due to some type of an error in Bridges computer system.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department, by its own admission and due to Bridges computer system error, incorrectly computed the CDC overissuance for the claimant to be \$4,634.68.

Accordingly, department's action is REVERSED. Department shall:

1. Re-compute CDC overissuance based on 75 hours a pay period as ordered in Register No. 2009-16690 hearing.
2. Notify the claimant in writing of this determination.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 6, 2010

Date Mailed: April 7, 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 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.

cc:

