

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

IN THE MATTER OF:



Reg. No. 201036657
Issue No. 3052
Case No. [REDACTED]
Hearing Date: June 22, 2011
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon a Department of Human Services (DHS) request for a hearing. After due notice, a telephone hearing was scheduled to be held on June 22, 2011.

ISSUES

Whether the undersigned has a basis to enforce debt collection actions against Respondent when the Notice of Hearing was returned as undeliverable.

FINDINGS OF FACT

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

1. On 3/2/10, DHS requested a hearing to establish a debt of \$979 in allegedly over-issued Family Independence Program (FIP) benefits against Respondent.
2. On 3/23/10, Respondent requested a hearing to dispute the alleged over-issuance.
3. On an unspecified date, the Michigan Administrative Hearings System (MAHS) mailed a Notice of Hearing to Respondent.
4. The Notice of Hearing was returned by the United States Post Office as undeliverable.

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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.* DHS administers the FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The client is sent a DHS-828, Notice of Debt Collection Hearing approximately three weeks prior to the hearing date. BAM 725 at 18. A copy of this notice is sent to the local office hearings coordinator. *Id.* If the DHS-828 is returned to MAHS by the Post Office as undeliverable, MAHS will dismiss the hearing. *Id.*

In the present case, MAHS mailed a DHS-828 to Respondent. The DHS-828 was returned by the United States Post Office as undeliverable. Therefore, the DHS hearing request must be dismissed. The dismissal is without prejudice meaning that DHS may still request a future hearing concerning debt collection actions against Respondent.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the undersigned may not make any findings concerning the DHS collection action because the Notice of Hearing mailed to Respondent was undeliverable. The debt collection for allegedly over-issued FIP benefits is DISMISSED WITHOUT PREJUDICE.


Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 29, 2011

Date Mailed: June 29, 2011

NOTICE: The law provides that within 60 days from the mailing date of the above 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.

201036657/CG

CG/ctl

cc:

[REDACTED]
Wayne County DHS (17)
[REDACTED]
Christian Gardocki
Administrative Hearings