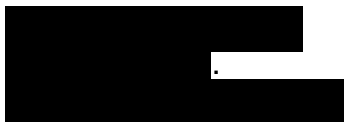


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201044377
Issue No.: 4060
Case No.: [REDACTED]
Hearing Date: October 5, 2011
Clare 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, a hearing was held on October 5, 2011; Respondent appeared and provided testimony. The Department was represented by agency personnel.

ISSUE

Whether Respondent received an overissuance (OI) of Family Independence Program (FIP) cash assistance 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 FIP benefits at all times relevant to this hearing.
2. On May 8, 2009, Respondent reported to the Department the birth of her child as a new member on her FIP case and, while Respondent's Affidavit of Parentage included the same address for Respondent and the child's father, Respondent did not report the addition of the child's father to her case until June 16, 2009. Consequently, Respondent received an overissuance of FIP benefits for the month of July 2009 in the amount of [REDACTED]. (Department Exhibits 3-9).

3. The OI amount of [REDACTED]0 is still due and owing to the Department.
4. On October 29, 2009, the Department notified Respondent that she was responsible for repaying the [REDACTED] in FIP benefits that she received due to client error.¹ (Department Exhibit 27-33).
5. On April 4, 2010, Respondent requested a hearing. (Hearing Request).

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 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 Reference Tables Manual (RFT).

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.

In this case, Respondent was an ongoing FIP recipient in 2009 and received an overissuance of FIP benefits in the amount of [REDACTED] during the month of July 2009. Specifically, Respondent notified the Department on May 8, 2009 of the birth of her child and in doing so, indicated that Respondent and the child's father shared the same address. Despite Respondent and the child's father sharing the same address as of May 8, 2009, Respondent did not report the addition of the child's father as a mandatory group member until June 16, 2009, resulting in Respondent receiving a total FIP overissuance of [REDACTED] for July 2009.

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] OI of FIP benefits.

¹ While the October 26, 2009 Notice of Overissuance (DHS 4358-A) indicates that Respondent's FIP overissuance was due to agency error, the Department representative acknowledged at the hearing that this notation was due to worker error and that, in fact, Respondent's FIP overissuance was due to *client* error.

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: 