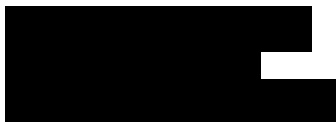


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201053275
Issue No.: 4060
Case No.: [REDACTED]
Hearing Date: October 5, 2011
Branch 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 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 Child Development and Care (CDC) 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 CDC benefits from July 2009 through December 2009.
2. In November 2009, the Department received information establishing the Department's error in failing to obtain verification of Respondent's employment income. The Department's consolidated inquiry into Respondent's wages and

child support income subsequently revealed an overissuance of CDC benefits to Respondent during the period July 5, 2009 through December 5, 2009 in the amount of [REDACTED]. (Department Exhibits 3-6).

3. The OI amount of [REDACTED] is still due and owing to the Department.
4. On December 16, 2009, the Department notified Respondent that she was responsible for repaying the [REDACTED] in CDC benefits that she received due to agency error. (Department Exhibit 8).
5. On December 22, 2009, Respondent requested a hearing. (Hearing Request).

CONCLUSIONS OF LAW

The Child Development and Care (CDC) 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 provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

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 a recipient of CDC benefits in 2009 and received an overissuance of such benefits in the amount of [REDACTED] between July 5, 2009 and December 5, 2009. Specifically, while Respondent reported her employment to the Department in June 2009, the Department erroneously failed to obtain verification of Respondent's employment income. The Department's consolidated inquiry into Respondent's wages and child support income subsequently revealed an overissuance of CDC benefits to Respondent during the period July 5, 2009 through December 5, 2009 in the amount of [REDACTED].

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 CDC 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:

