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

IN THE MATTER OF:



Reg. No.: 2011-17563

Issue No.: 4060

Case No.:

Hearing Date: October 5, 2011

County: Ottawa

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37; MCL 400.43 (a); Mich Admin Code, R 400.941 and MCL 24.201, et seq., upon a hearing request by the Department of Human Services (Department) to establish an over issuance (OI) of benefits to Respondent. After due notice, a hearing was held on October 5, 2011.

appeared on behalf of Respondent, as did Respondent's son, and testified on behalf of Respondent.



<u>ISSUE</u>

Did Res pondent receive an overissuance (OI) of State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

- 1. Respondent was a recipient of SDA during the period Decem ber 2009 through November, 2010.
- 2. Respondent received a SDA OI dur ing the period December 2009 through November, 2010, due to Department's error.
- 3. \$ of the OI is still due and owing to the Department.

CONCLUSIONS OF LAW

Department policies are contained in the Bri dges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The State Disability Assistanc e (SDA) program, which provides financial ass istance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Fa mily Independence Agenc y) admin isters the SDA program pursuant to MCL 400.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.

Additionally, Respondent is currently living in China and has no property, no monies, and no residency in the United States. Resign pondent's representatives admit receiving the monies and admit they only asked for the hearing to inform the department they would not be able to collect because Respondent is no long er residing in the United States.

Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the D epartment properly determined that Respondent received an OI of \$ in SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did make the correct determination to establish a debt.

Accordingly, the Department is AFFIRMED with respect to the overissuance for the reasons stated on the record.

The Department is ORDERED to initiate collection procedures in accordance with Department policy.

Vicki L. Armstrong Administrative Law Judge for Maura Corrigan, Director Department of Human Services

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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 Re spondent 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. Administ rative Hearings, on it sown 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 <u>MAY</u> 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

Re

consideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

VLA/alc

cc: