

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201118870
Issue No: [REDACTED]
Case No: [REDACTED]
Hearing Date:
March 16, 2011
Clare County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to 7 CFR 273.18; 45 CFR 233.20(a)(13); MCL 400.9; MCL 400.37; MCL 400.43(a); MAC R 400.941 and MCL 24.201, *et seq.*, upon a hearing request by the Department of Human Services (department) to establish an overissuance of benefits to Respondent. After due notice was mailed to Respondent, a hearing was held March 16, 2011. Respondent personally appeared and provided testimony.

ISSUE

Whether Respondent received an overissuance of Family Independence Program (FIP) benefits that the department is entitled to recoup?

FINDINGS OF FACT

The Administrative Law Judge, based upon the clear and convincing evidence on the whole record, finds as material fact:

1. Respondent was receiving FIP benefits at all times pertinent to this hearing. (Hearing Summary).
2. Respondent signed Assistance Application (DHS-1171) on September 30, 2004, acknowledging that she understood her failure to give timely, truthful, complete and accurate information about her circumstances could result in a civil or criminal action or an administrative claim against her. (Department Exhibits 1-8).

3. On January 5, 2006, Respondent submitted a Redetermination, acknowledging that she understood her failure to give timely, truthful, complete and accurate information about her circumstances could result in a civil or criminal action or an administrative claim against her. During her redetermination interview, Clamant reported receiving child support beginning June 2005. (Department Exhibits 12-19).
4. Information received from the Office of Child Support on January 13, 2006, showed Respondent began receiving Child Support in April 2005. Respondent did not report receipt of the child support to the department until January 2006. (Department Exhibits, 10-20).
5. Respondent received \$3,267.00 in FIP benefits during the alleged fraud period of April 2005 through December, 2005. If the income had been properly reported and budgeted by the department, Respondent would only have been eligible to receive \$1,161.00 in FIP benefits. (Department Exhibits 25-67).
6. Respondent failed to timely report her child support income, resulting in a FIP overissuance for the months of April 2005 through December, 2005, in the amount of \$2,106.00. (Department Exhibits 25-67).
7. Respondent was clearly instructed and fully aware of the responsibility to report all employment and income to the department.
8. Respondent submitted a hearing request on January 31, 2011, protesting the debt establishment. (Request for a Hearing).

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 of Human Services (DHS or 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Departmental policy, states that when the client group receives more benefits than the group is entitled to receive, DHS must attempt to recoup the overissuance (OI). Repayment of an OI is the responsibility of anyone who was an eligible, disqualified, or other adult in the program group at the time the OI occurred. Bridges will collect from all adults who were a member of the case. OIs on active programs are repaid by lump sum cash payments, monthly cash payments (when court ordered), and administrative recoupment (benefit reduction). OI balances on inactive cases must be repaid by lump sum or monthly cash payments unless collection is suspended. BAM 725.

In this case, the department has established that Respondent was aware of the responsibility to report all income and employment to the department. Department policy requires clients to report any change in circumstances that will affect eligibility or benefit amount within ten days. BAM 105.

Respondent completed an application for assistance on September 30, 2004, on which she reported her only income was Supplemental Security Income (SSI). On January 5, 2006, Respondent submitted a Redetermination and reported SSI and child support. During the subsequent interview, Respondent told her case worker she began receiving child support in June 2005. A check with the Office of Child Support showed Respondent began receiving child support in April 2005 and had not informed the department. Respondent testified that she does not recall receiving cash assistance and believed she was only receiving food stamps.

This Administrative Law Judge finds that the evidence presented by the department shows that Respondent failed to report her circumstances in an accurate manner resulting in an overpayment of FIP benefits. Therefore, Respondent is responsible for repayment of the overissuance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Respondent received an overissuance of FIP benefits for the time period of April 2005 through December, 2005 that the department is entitled to recoup.

The department is therefore entitled to recoup FIP overissuance of \$2,106.00 from Respondent.

It is SO ORDERED.

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

Date Signed: March 17, 2011

Date Mailed: March 17, 2011

NOTICE: The law provides that within 60 days of mailing 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.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

VLA [REDACTED]

cc: [REDACTED]