

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-21326
Issue No.: 6052
Case No.: [REDACTED]
Hearing Date: October 5, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Department of Human Services' (Department) request for a hearing. After due notice, a telephone hearing was held on October 5, 2011 from Detroit, Michigan. The Department was represented by Agent [REDACTED] of the [REDACTED]. Respondent did not appear.

ISSUE

Did the Respondent commit an Intentional Program Violation (IPV)?

Did the Respondent receive an overissuance of benefits that the Department is entitled to recoup?

FINDINGS OF FACT

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

1. The Department's OIG filed a hearing request to establish an overissuance of benefits received by Respondent as a result of Respondent having committed an IPV.
2. Respondent was a recipient of Child Development and Care (CDC) benefits during the period from July 9, 2006 to December 31, 2006 and February 1, 2007 to September 27, 2008.

3. Respondent received overissuances in the amount of \$23,658.00 under the CDC program.

CONCLUSIONS OF LAW

The 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 MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

When a client group receives more benefits than they are entitled to receive, DHS must attempt to recoup the overissuance (OI). BAM, Item 700, p. 1.

In the present case, the Department requested a disqualification hearing regarding CDC benefits. Under BAM 720, there is no authority to grant a disqualification hearing for CDC overissuance.

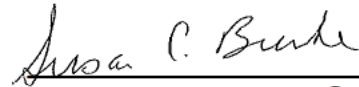
The Department, however, has established that Respondent was overissued CDC benefits and the Department may recoup \$23,658.00 for the overissuance. MCL 400.43a.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Respondent received overissuances in program benefits. It is therefore ORDERED that the Department initiate collection procedures in accordance with Department policy to recoup for overissuances in CDC benefits in the amount of \$23,658.00.

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It is further ORDERED that the Department's request for disqualification for Intentional Program Violations under the CDC program is DISMISSED without prejudice



Susan Burke
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: 10/7/11

Date Mailed: 10/7/11

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

SB/sm

cc:

