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

Reg. No.: 2011-28623

## IN THE MATTER OF:

	Issue No.: Case No.: Hearing Date: County:	November 23, 2017 St. Clair		
ADMINISTRATIVE LAW JUDGE: Jan Leventer				
HEARING DECIS	SION			
This matter is before the undersigned Administrative 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 November 23, 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.				
⊠ Respondent appeared and testified. Also pres Respondent, and Respondent's represented by		, Attorney for e Department was		
<u>ISSUE</u>				
Did Respondent receive an OI of ☐ FIP ☐ FAP	□ SDA 🛛 CDC	benefits?		
FINDINGS OF FACT				
The Administrative Law Judge, based on the ceevidence on the whole record, finds as material fac		rial, and substantial		
<ol> <li>Respondent was a recipient of  FIP FAF November 11, 2007, through November 8, 2008</li> </ol>		OC during the period		

2.	Respondent received a   FIP FAP SDA CDC OI during the period			
	November 11, 2007, through November 8, 2008, due to ☐ Department's ☐ Respondent's error.			
3.	\$6,805.14 of the OI is still due and owing to the Department.			
CONCLUSIONS OF LAW				
	epartment policies are contained in the Bridges Administrative Manual (BAM), the idges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).			
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.			
☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3001 through Rule 400.3015.				
☐ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, Rule 400.3151 through Rule 400.3180.				
an 19 Th an	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. e program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 d 99. The Department provides services to adults and children pursuant to MCL 0.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.			
Λ -	Hitimally, It is found and determined that the Department consulted a Department			

Additionally, It is found and determined that the Department committed a Department error in this case in that the Department did not verify necessary hours of school, work and travel in a timely fashion. BAM 700, "Benefit Overissuances," requires the Department to initiate debt collection regardless of the source of the error. It is therefore the legal responsibility for the Department to do so in this case.

Based upon the above Findings of Fact and Conclusion stated on the record, the Administrative Law Judge conc    ☐ properly ☐ improperly determined that Respondent ☐ FIP ☐ FAP ☐ SDA ☐ CDC benefits.	cludes that the Department		
DECISION AND ORDER	<u>3</u>		
The Administrative Law Judge, based upon the above F of Law, finds that the Department $\boxtimes$ did $\square$ did not m establish a debt.			
Accordingly, the Department is AFFIRMED REVEWITH RESPECT TO REVERSED IN PART with restated on the record.			
☐ The Department is ORDERED to initiate collection procedures in accordance with Department policy.			
	Jan Goenly		
Date Signed: <u>December 7, 2011</u>	Jan Leventer Administrative Law Judge for Maura Corrigan, Director Department of Human Services		

**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:

Date Mailed: December 7, 2011

- 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JL/pf

