

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-38661
Issue No. 1000
Case No. [REDACTED]
Hearing Date: August 17, 2011
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, August 17, 2011. The Claimant [REDACTED] Angela Sykes and Karla Brooks-Talley appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly found an over-issuance of cash assistance ("FIP") benefits for the period from September 2009 through February 2010?

FINDINGS OF FACT

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

1. The Claimant is a FIP recipient.
2. In June 2010, the Department determined that due to client error, the Claimant received a FIP over-issuance in the amount of \$1,898.00.
3. On May 25, 2011, the Department received the Claimant's written request for hearing.

4. During the hearing, the Department testified that the efforts to recoup the alleged over-issuance were in error.

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, formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules 400.3101-3131. The FIP program replaced the Aid to Dependent Children program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Tables (“RFT”).

An over-issuance (“OI”) occurs when a client receives more benefits than s/he are entitled to receive. BAM 700. A claim is the resulting debt created by the over-issuance of benefits. BAM 700. Recoupment is an action to identify and recover a benefit OI. BAM 700. The Department must take reasonable steps to promptly correct any overpayment of public assistance benefits, whether due to department or client error. BAM 700, 705, 715, and 725.

In this case, the Department sought recoupment of an over-issuance of FIP benefits for the period from September 2009 through February 2010. During the hearing, the Department testified that for the period at issue, the Claimant did not receive an OI and that the recoupment needed to be removed. The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). Here, the Department agreed to remove the recoupment from the Claimant’s case. The Claimant was amenable to this action. Based on the agreement, there is no other issue that needs to be addressed.

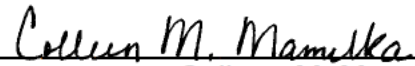
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department’s recoupment efforts are not upheld.

Accordingly, it is ORDERED:

1. The Department’s recoupment efforts for the period from September 2009 through February 2010 are not upheld.
2. The Department shall, as agreed, remove the recoupment from the Claimant’s case within 30 days of this decision.

3. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 22, 2011

Date Mailed: August 22, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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

CMM/cl

cc:

