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

IN THE MATTER OF:

Reg. No.: 2011-41640

Issue No.: 4060 Case No.:

Hearing Date: November 2, 2011

County: Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

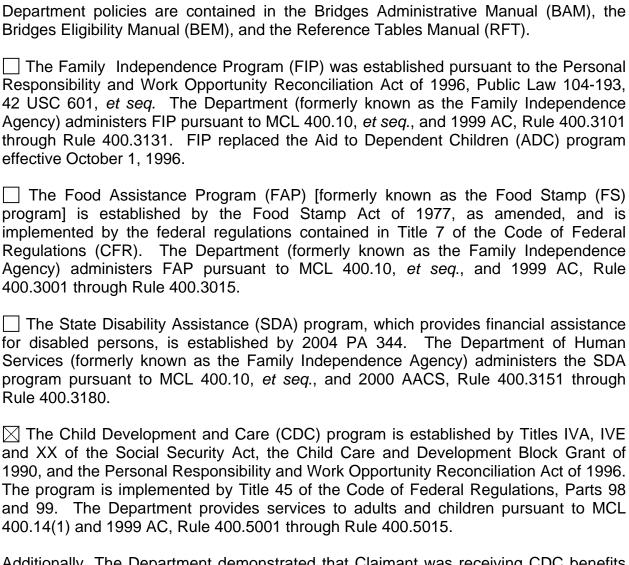
HEARING DECISION

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 2, 2011.

an Re	d due notice having been provided to Respondent, the hearing was held in espondent's absence in accordance with Bridges Administrative Manual (BAM), Item 5. Other participants included Agent, Office of Inspector General.
	Respondent appeared and testified.
	ISSUE
Dio	d Respondent receive an OI of ☐ FIP ☐ FAP ☐ SDA ☒ CDC benefits?
	FINDINGS OF FACT
	e Administrative Law Judge, based on the competent, material, and substantial idence on the whole record, finds as material fact:
1.	Respondent was a recipient of \square FIP \square FAP \square SDA \boxtimes CDC during the period 8/21/05 through 6/10/06.
2.	Respondent received a FIP FAP SDA CDC OI during the period 9/301/05, through 6/10/06, due to Department's Respondent's error.

3. \$7021.35 overissuance amount as calculated by the Department is not correct as it begins at the wrong date, but an overissuance is still due and owing to the Department.

CONCLUSIONS OF LAW



Additionally, The Department demonstrated that Claimant was receiving CDC benefits during the period she was assigned to attend Work First, but that during the period of overissuance the Claimant was not attending the Work First program. Claimant attended Work First orientation, but shortly thereafter was in noncompliance and thus not eligible for CDC. The Claimant was found in non compliance as of 9/30/05 and was no longer entitled to receive CDC.

The Claimant was not entitled to CDC after the non compliance date of 9/30/11. The Department however began the OI period 8/21/05 a date that was not supported by the

Date Signed: <u>11/10/11</u>

Date Mailed: 11/10/11

evidence as presented. Thereafter the Department demonstrated that the Claimant continued to receive CDC benefits until June 10, 2006 when she attended orientation again.

The Department has established its right to collect a debt and has established an OI. However, the Department must recalculate the OI amount to begin from 9/30/05 rather than 8/21/05. The evidence presented did not support the OI beginning 8/21/05 but did establish the date the Claimant was no longer eligible to receive CDC as the non compliance date of 9/30/05.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department ☐ properly ☐ improperly
determined that Respond received an Overissuance of FIP FAP SDA CDC benefits.
DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department \boxtimes did \square did not make the correct determination to establish a debt, however the amount of the Overissuance must be recalculated.
Accordingly, the Department is AFFIRMED REVERSED AFFIRMED IN PART with respect to its right to collect a debt but did not establish the correct OI amount
The Department is ORDERED prior to initiating debt collection procedures, to recompute the amount of the OI to begin 9/30/05 rather that 8/21/05.
\boxtimes The Department is ORDERED to initiate collection procedures in accordance with Department policy.
Lynn M. Ferris
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:

- 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

LMF/hw

cc: