

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-46027
Issue No.: 1000
Case No.: [REDACTED]
Hearing Date: August 29, 2011
DHS County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a telephone hearing was held on August 29, 2011, in Detroit, MI. Claimant appeared and testified at the hearing. [REDACTED] appeared and testified as a witness for Claimant. [REDACTED], and [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS is entitled to recoup an overissuance of Family Independence Program (FIP) benefits of \$3,154 from Claimant?

FINDINGS OF FACT

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

1. In 2010, DHS provided FIP to Claimant, and Claimant participated in the Jobs, Education and Training (JET) program as a requirement of receiving FIP.
2. In September 2010, Claimant became employed as a Hostess with [REDACTED] Detroit.
3. On October 4, 2010, Claimant's employer reported that she earned \$100 per week for two days worked.

4. After October 4, 2010, Claimant increased her work days from two to three, and earned \$150 per week.
5. On June 1, 2011, DHS issued a Notice of Overissuance requesting Claimant repay \$3,154, and claiming that Claimant received this money due to client error.
6. At the Administrative Hearing on August 29, 2011, DHS agreed to recalculate the amount of recoupment based on Claimant's income.
7. Upon hearing DHS' offer, Claimant accepted it and testified she was satisfied and no longer wished to proceed with the Administrative Hearing.

CONCLUSIONS OF LAW

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 United States Code 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

At the hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will recalculate the overissuance amount based on Claimant's actual income information. DHS also agreed to allow Claimant an extension of time in which to submit 2010 income tax documentation of her income as well. DHS agreed that after the overissuance amount is recalculated, if Claimant disagrees, she retains the right to request a hearing on the recoupment issue. As a result of DHS' offer, Claimant testified she was satisfied with DHS' action and no longer wished to proceed with the Administrative Hearing.

As the parties have agreed to resolve the issue between them, it is not necessary for the Administrative Law Judge to decide it. Accordingly, I will enter a stipulated order which incorporates the parties' agreement.

In conclusion, based on the parties' agreement and based also on the findings of fact and conclusions of law above, IT IS HEREBY ORDERED that DHS will recalculate the overissuance it alleges Claimant owes to DHS.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that, in this case, the parties have reached a stipulated agreement to resolve the case. Pursuant to the agreement of the parties, IT IS HEREBY ORDERED that DHS shall:

1. Initiate procedures to recalculate the overissuance to Claimant, if any, asserted by DHS;
2. Initiate procedures to allow Claimant at least twenty-one days in which to produce her 2010 tax records and other pertinent information;
3. Initiate procedures to protect Claimant's right to a hearing if she disagrees with the recalculated overissuance amount when it is announced.

All steps shall be taken in accordance with DHS policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 31, 2011

Date Mailed: August 31, 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.

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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.

JL/pf

cc:

