

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 20116090

Issue No: 1000

[REDACTED]

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37; upon claimant's request for a hearing filed on October 14, 2010. After due notice, a hearing was held Wednesday, January 19, 2011. The law, MCL 24.278(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. In this case, the Claimant received supplementary Family Independence Program (FIP) benefits that the Department could not explain. The Department began to recoup the funds as a client error overissuance.

Prior to the closure of the hearing record, the Department stipulated that it could not establish whether the Claimant had received an overissuance of FIP benefits.

Claimant retains a right to request a hearing on the above FAP eligibility determination as long as he does so within 90 days from the date of the department's written notice, pursuant to PAM Item 600.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is **HEREBY DISMISSED**, because claimant is no longer aggrieved by a department action.

DECISION AND ORDER

The Administrative Law Judge based on the agreed upon settlement **ORDERS** that Claimant's recoupment of Family Independence Program (FIP) is **REVERSED**; It is further **ORDERED** that the Department shall:

1. Delete the September 18, 2010, overissuance from the Claimant's FIP benefits file.

2. Initiate a determination of the Claimant's eligibility for FIP benefits for the months of January 2010, July 2010, and October 2010.
3. Initiate a determination of the reason for the issuance of supplemental FIP benefits during September of 2010.
4. If the Claimant did not receive an overissuance of benefits, issue the Claimant supplemental FIP benefits for the benefits already recouped from her FIP grant.
5. Provide the Claimant with a written explanation of the Department's revised determination of her FIP eligibility.

/s/

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 2/1/11

Date Mailed: 2/2/11

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.

█
█
█