

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

IN THE MATTER OF:

[REDACTED]

Registration No: 20116985
Issue No: 6052
Case No: [REDACTED]
Hearing Date: October 20, 2011
Genesee County DHS

Administrative Law Judge: Corey A. Arendt

HEARING DECISION

This matter is before me in accordance with 7 CFR 273.16, MCL 400.9, MCL 400.37, and 1999 AC, R 400.3130, on the Department of Human Services' (the Department's) request for hearing. After due notice, a hearing was held on October 20, 2011, at which Respondent appeared. The hearing was held in accordance with Bridges Administrative Manual (BAM) 720, pp 9-10. The Department was represented by the Office of Inspector General (OIG).

ISSUE

In dispute was whether Respondent committed an Intentional Program Violation (IPV) involving Child Development and Care (CDC), thereby receiving an over issuance of benefits that the Department is entitled to recoup.

FINDINGS OF FACT

Based on the clear and convincing evidence pertaining to the whole record, the Administrative Law Judge finds as material fact:

1. The Department's OIG filed a request for hearing to establish an over issuance of CDC benefits received as a result of a determination that Respondent committed an IPV.
2. On March 18, 2008, the Respondent signed an assistance application (DHS-1171) seeking CDC benefits. (Department's Exhibit 1)
3. Respondent acknowledged she understood her failure to give timely, truthful, complete, and accurate information about her circumstances could result in a civil or criminal action, or an administrative claim, against her. (Department's Exhibit 1)

4. From December 16, 2007 through June 2, 2008, the Respondent worked at [REDACTED]. On approximately June 2, 2008, the Respondent's employment at [REDACTED] ended.
5. From June 2, 2008 through September 30, 2008, the Respondent was not working and was not participating in Work First (WF). At no time from June 2, 2008 through September 30, 2008 did the Respondent notify the Department her position had ended at [REDACTED].
6. From approximately March 18, 2008 through September 30, 2008, the Respondent received CDC benefits.
7. From June 1, 2008 through September 30, 2008, Respondent received CDC benefits in the amount of [REDACTED]. (Department Exhibit 4)
8. There was no apparent physical or mental impairment present that limited Respondent's ability to understand and comply with his reporting responsibilities.
9. This was the first determined IPV committed by Respondent.

CONCLUSIONS OF LAW

The CDC program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACRS R 400.5001-5015.

In the present matter, the Department requested a hearing to establish an over issuance of CDC benefits, claiming that the over issuance was a result of an IPV committed by Respondent.

Here, the OIG presented unequivocal evidence that Respondent did not work or have a job during the period in which she received CDC benefits. Respondent made no effort to inform the Department that she was not working.

When a client or group receives more benefits than they are entitled to receive, the Department must attempt to recoup the over issuance. BAM 700, p 1. A suspected IPV is defined as an over issuance where:

- The client intentionally failed to report information or intentionally gave incomplete or inaccurate information needed to make a correct benefit determination, and

- The client was clearly and correctly instructed regarding his or her reporting responsibilities, and
- The client has no apparent physical or mental impairment that limits his or her understanding or ability to fulfill their reporting responsibilities. [BAM 720, p 1.]

An IPV is suspected by the Department when a client intentionally withheld or misrepresented information for the purpose of establishing, maintaining, increasing, or preventing a reduction of, program eligibility or benefits. BAM 720, p 1. In bringing an IPV action, the agency carries the burden of establishing the violation with clear and convincing evidence. BAM 720, p 1.

Based on the credible testimony and other evidence presented, I have concluded the OIG established, under the clear and convincing standard, that Respondent committed an IPV in this matter, resulting in an over issuance of CDC benefits between the period of June 1, 2008 through September 30, 2008, in an amount of \$1,877.58.

DECISION AND ORDER

Based on the above findings of fact and conclusions of law, I find Respondent committed an intentional program violation.

It is therefore ORDERED:

1. Respondent shall reimburse the Department for the CDC benefits ineligibly received as a result of his IPV in the amount of [REDACTED]

/s/
Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 24, 2011

Date Mailed: October 26, 2011

2011-6985/CAA

NOTICE: Respondent may appeal this decision and order to the circuit court for the county in which he / she resides within 30 days of receipt of this decision and order.

CAA/cr

cc:

