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

## IN THE MATTER OF:



Reg. No.: 2011-9231

Issue No.: 4060

Case No.:

Hearing Date: October 5, 2011
County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

## **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 October 5, 2011.

Respondent did not appear. This matter having been initiated by the Department and due notice having been provided to Respondent, the hearing was held in Respondent's absence in accordance with Bridges Administrative Manual (BAM), Item 725.
Respondent appeared and testified.
ISSUE
Did Respondent receive an OI of ☐ FIP ☐ FAP ☐ SDA ☒ CDC benefits?
FINDINGS OF FACT
The Administrative Law Judge, based on the competent, material, and substantia evidence on the whole record, finds as material fact:
1. Respondent was a recipient of ☐ FIP ☐ FAP ☐ SDA ☒ CDC during the period February 2010 through September 2010.

2.	Respondent received a $\square$ FIP $\square$ FAP $\square$ SDA $\boxtimes$ CDC OI during the period February 7, 2010, through September 2, 2010, due to $\boxtimes$ Department's $\square$ Respondent's error.
3.	\$6,509.22 of the OI is still due and owing to the Department.
	CONCLUSIONS OF LAW
	partment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is olemented by the federal regulations contained in Title 7 of the Code of Federal gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human rvices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 2000 AACS, Rule 400.3151 through le 400.3180.
and 199 Th and	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. e program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 d 99. The Department provides services to adults and children pursuant to MCL 0.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, the Department has accepted responsibility for the over issuance of CDC benefits. However, the record before this Administrative Law Judge demonstrates that Respondent and her provider fail to have clean hands. The relative care provider application completed by Respondent's provider failed to disclose all information. It specifically failed to disclose criminal convictions and failed to disclose that the provider was already acting as a chore provider. The Department presented sufficient evidence to establish that Respondent received CDC payments she was not otherwise eligible to receive.

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 Respondent received a \$6,509.22 OI 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.		
Accordingly, the Department is ⊠AFFIRMED		
Ash Dogwood		

Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 5, 2011

Date Mailed: October 5, 2011

**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

## JWO/pf

