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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2011-9232 4060 October 5, 2011 Macomb (50-20)				
ADMINISTRATIVE LAW JUDGE: Jonathan W. O	wens					
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 FA	<u>ACT</u>					
The Administrative Law Judge, based on the evidence on the whole record, finds as material fac		rial, and substantial				
 Respondent was a recipient of ☐ FIP ☐ FAI August 2010 through November 2010. 	P SDA C	OC during the period				

eligibility.

2.	Respondent received a \square FIP \boxtimes FAP \square SDA \square CDC OI during the period August 1, 2010, through November 30, 2010, due to \square Department's \boxtimes Respondent's error.					
3.	\$784 of the OI is still due and owing to the Department.					
CONCLUSIONS OF LAW						
Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).						
☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, <i>et seq.</i> The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.						
☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, Rule 400.3001 through Rule 400.3015.						
☐ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, Rule 400.3151 through Rule 400.3180.						
19 Th an	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 Respondent began employment on June 21, 2010. The Respondent failed to report income. The Department discovered the employment at which point a new budget was completed. The Respondent received FAP benefits in excess of						

Based upon the above Findings of Fact and Conclusions of Law, and for the reasonated on the record, the Administrative Law Judge concludes that the Department properly improperly determined that Respondent received a \$784 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.						
	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

