

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-25858  
Issue No: 6052  
Case No: [REDACTED]  
Hearing Date:  
November 8, 2011  
Wayne County DHS-31

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Department of Human Services (department) request for a disqualification hearing. After due notice, a telephone hearing was held on November 8, 2011, at which 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, Item 725.

ISSUE

Whether Respondent committed an Intentional Program Violation (IPV) of the Child Development and Care (CDC) program and whether Respondent received an overissuance of benefits that the department is entitled to recoup?

FINDINGS OF FACT

The Administrative Law Judge, based upon the clear and convincing evidence on the whole record, finds as material fact:

1. Based on a Wage Match, the department discovered that Respondent was no longer working at Comcast and had not reported the loss of employment to the department. On March 24, 2008, the department received a verification of employment showing Respondent was employed at Comcast from August 16, 2004 through April 18, 2006. (Department Exhibits 6, 13-15, 16-17).
2. Respondent received [REDACTED] in CDC benefits during the alleged fraud period of April 30, 2006 through December 23, 2006. If the loss of employment had been properly reported, Respondent would not have been eligible to receive CDC benefits, resulting in a CDC overissuance in the amount of [REDACTED]. (Department Exhibits 6, 21-34).

### CONCLUSIONS OF LAW

The Child Development and Care 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 of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, Rules 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

In this case, the department has requested a disqualification hearing to establish an overissuance of benefits as a result of an IPV and the department has asked that the respondent be disqualified from receiving benefits. When a customer client group receives more benefits than they are entitled to receive, the department must attempt to recoup the overissuance. BAM 700.

In this case, the department discovered Respondent was no longer working at Comcast, while receiving CDC benefits. The verification of employment from Comcast showed Respondent had been working there from August 16, 2004 through April 18, 2006. Respondent failed to report her loss of employment.

This Administrative Law Judge therefore concludes that the department has shown, by clear and convincing evidence, that Respondent committed a first intentional violation of the CDC program, resulting in a [REDACTED] overissuance from August 16, 2004 through April 18, 2006. Consequently, the department's request for CDC restitution must be granted.

### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Respondent committed an Intentional Program Violation of the CDC program by failing to report that she was no longer employed while receiving benefits for the period of time from August 16, 2004 through April 18, 2006.

Therefore, it is ordered that the department is entitled to recoup the overissuance of benefits Respondent ineligibly received. Respondent is ORDERED to reimburse the department for the [REDACTED] CDC overissuance caused by her intentional program violation.

2011-25858/VLA

It is SO ORDERED.

/s/

Vicki L. Armstrong  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 11/14/11

Date Mailed: 11/14/11

**NOTICE:** The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

VLA/ds

