

**TOYIA LATRESE BARNES JONES STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201141642
Issue No.: 4060
Case No.: [REDACTED]
Hearing Date: November 2, 2011
County: Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 November 2, 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. Other participants included [REDACTED], Agent, Office of Inspector General.

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 substantial evidence on the whole record, finds as material fact:

1. Respondent was a recipient of FIP FAP SDA CDC during the period January 22, 2006 through January 31, 2009.
2. Respondent received a FIP FAP SDA CDC OI during the period 8/31/08 , through 1/31/09, due to Department's Respondent's error.

3. Respondent did not receive a FIP FAP SDA CDC OI during the period 1/ 22/06, through 3/4/07, due to Department's Respondent's error
4. \$7549 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, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, 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, *et seq.*, 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, *et seq.*, and 2000 AACS, Rule 400.3151 through Rule 400.3180.

The Child Development and Care (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 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, the Department established through the evidence it presented, that after August 31, 2008, the Claimant was not working and thus was not entitled to CDC benefits. The Department established that the Claimant was not working, based on Work First records noting that her employment had ended. During the period of August 31, 2008 through January 31, 2009, the Department established that the Claimant received an overissuance of CDC benefits in the amount of \$7549.

The Department also sought to establish an overissuance for the period January 22, 2006 through March 4, 2007. The Department's evidence did not establish the actual date the Claimant stopped working in January 2006, as it did not present any verification of employment ending other than the Department's note on the CDC benefits schedule. The May 2007 application filed by the Claimant indicates that she was not working at the date of the application, but this document date is after the alleged overissuance period and does not indicate when the Claimant stopped working. Additionally, the Department's Wage History records indicate that the Claimant was working during the first fiscal quarter of 2006 and wages of \$6102.94 were reported. Therefore, the Department has not established its right to recoupment and debt collection, as it did not establish the correct overissuance amount or the date employment ended. No dates were confirmed other than by a Department hand written note. Nothing confirming the employment end date from the actual employer was provided.

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 determined that the Respondent received an \$7549 OI of CDC benefits and

improperly determined that Respondent received a \$1607 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

did make a correct determination to establish a debt for the period 8/31/08 through 1/31/09

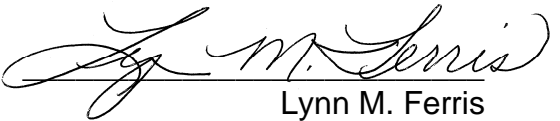
did not make the correct determination to establish a debt for the period 1/22/06 through 3/4/07.

Accordingly, the Department is AFFIRMED with respect to the overissuance of \$7549 for the period August 31, 2008 through January 31, 2009 and

The Department is ORDERED to initiate collection procedures in accordance with Department policy for recoupment of CDC benefits in the amount of \$7549.

REVERSED with respect to The \$1607 overissuance for the period January 22, 2006 through March 4, 2007. for the reasons stated on the record and as further reviewed above.

The Department is ORDERED to remove the Overissuance of CDC benefits in the amount of \$1607 for the period January 22, 2006 through March 4, 2007 from the Claimant's case record. The Department's request for recoupment as regard this claim is DISMISSED with prejudice.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 11/15/11

Date Mailed: 11/15/11

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 **MAY** 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

CG/hw

cc:

