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

IN THE MATTER OF:



Reg. No.: 20122287 Issue No.: 3020

Case No.:

County:

Hearing Date: January 5, 2012 **Grand Traverse**

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on January 5, 2012 from Lansing, Michigan. The claimant did not appear for the hearing. Participants on behalf of Department of Human Services (Department) included

ISSUE

Did Claimant receive an overissuance of program benefits that the Department is entitled to recoup?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1.	During the period of July 1, 2011 through August 31, 2011, Claimant received benefits for:
	☐ Family Independence Program (FIP). ☐ State Disability Assistance (SDA). ☐ Child Development and Care (CDC). ☐ Medical Assistance (MA).
2.	The Department determined that Claimant received a ☐ FIP ☐ FAP ☐ MA ☐ SDA ☐ CDC overissuance in the amount of during the period of July 1, 2011 through August 31, 2011.
3.	The overissuance was due to Department error. 🖂 client error.

- 4. On September 15, 2011, the Department sent notice of the overissuance and a repayment agreement to Claimant.
- 5. On September 30, 2011, Claimant filed a hearing request, protesting the Department's recoupment action.

CONCLUSIONS OF LAW

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 Claimant
☐ did receive an overissuance for ☐ FIP ☐ FAP ☐ MA ☐ SDA ☐ CDC benefits in the amount of that the Department is entitled to recoup.
did not receive the overissuance for which the Department presently seeks recoupment.
DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department ☐ did act properly. ☐ did not act properly.
Accordingly, the Department's decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.
/s/
Christopher S. Saunders
Administrative Law Judge For Maura Corrigan, Director
Department of Human Services
Date Signed: January 6, 2012

Date Mailed: January 9, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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

CSS/cr

