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

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Reg. No.:	2012-42301
Issue No.:	4060
Case No.:	
Hearing Date:	April 26, 2012
County:	Kent

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

## **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 Thursday, April 26, 2012 from Lansing, Michigan. Participants on behalf of Claimant included the claimant. Participants on behalf of Department of Human Services (Department) included

# <u>ISSUE</u>

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 June 2009 through July 2009, Claimant received benefits for:
	<ul> <li>☐ Family Independence Program (FIP).</li> <li>☐ State Disability Assistance (SDA).</li> <li>☐ Child Development and Care (CDC).</li> <li>☐ Medical Assistance (MA).</li> </ul>
2.	The Department determined that Claimant received a State of the period of June 2009 through July 2009.
3.	The overissuance was due to ☐ Department error. ☐ client error.

- 4. On September 27, 2010, the Department sent notice of the overissuance and a repayment agreement to Claimant.
- 5. On October 7, 2010, Claimant filed a hearing request, protesting the Department's recoupment action.

# **CONCLUSIONS OF LAW**

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges

Additionally, the claimant reported to her department caseworker that she was employed timely. A verification of employment was submitted on April 23, 2009. The claimant's earned income was not budgeted due to department error. The department caseworker on record was not available for the hearing, but another department caseworker stepped in for the department.

Date Mailed: <u>5/3/12</u>

During the hearing, the claimant testified that the earnings used in the budget exceeded her actually earnings. The department caseworker did not use wage match actual income in the contested budget for the contested time period. The department caseworker on record could not determine how the original department caseworker came up with the earned income. As a result, the department did not meet their burden in determining that the department followed policy and procedure when determining that the claimant received an overissuance due to department error.

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.
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.
Accordingly, the Department's decision is $\square$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.
THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
<ol> <li>Initiate a redetermination of the Claimant's eligibility for FAP and FIP due to department's error for not budgeting the claimant's earned income.</li> </ol>
<ol><li>Provide the Claimant with written notification of the Department's revised determination if there is one.</li></ol>
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

**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

### CGF/ds

