

**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.: 2012 71528
Issue No.: 4060
Case No.: [REDACTED]
Hearing Date: April 24, 2013
County: Wayne (17)

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 April 23, 2013.

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] Regulation Agent, Office of Inspector General.

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 December 28, 2003 through May 27, 2006.
2. Respondent received a FIP FAP SDA CDC OI during the period December 28, 2003 through May 27, 2006, due to Department's Respondent's error.

3. Respondent did receive a FIP FAP SDA CDC OI during the period December 28, 2003 through May 27, 2006, due to Department's Respondent's error in falsely reporting employment to justify CDC need eligibility requirements.
4. The Claimant represented to the Department through verifications of employment that the Claimant worked for Taxes R Us during the period when she was not so employed
5. \$34,770 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 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 during the period December 28, 2003 through May 27, 2006 the Claimant was not employed by [REDACTED]. The OIG agent testified credibly that he spoke to the owner of the business personally in April 2012. The owner reviewed the signatures on the verifications contained in the Department's file and indicated that the signatures were not his signature. The owner of the business also advised the OIG agent that the Respondent, [REDACTED] never worked for his company. The owner of the business, [REDACTED] signed a letter dated August 31, 2008 that the Claimant was not working and thus was not entitled to CDC benefits. The Department established that the Claimant was not working and further established by its evidence that the Claimant therefore had no need basis for CDC. During the period December 28, 2003 through May 27, 2006 the Department established that the Claimant received an overissuance of CDC benefits in the amount of \$34,770. Therefore, the Department did establish an overissuance and is entitled to a recoupment of CDC benefits.

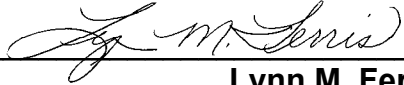
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly determined that the Respondent received a \$34,770 OI of CDC benefits.

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 December 28, 2003 through May 27, 2006 in the amount of \$34,770.

Accordingly, the Department is AFFIRMED with respect to the overissuance of \$34,770 for the period December 28, 2003 through May 27, 2006 and

The Department is ORDERED to initiate collection procedures in accordance with Department policy for recoupment of CDC benefits in the amount of \$34,770.


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

Date Signed: May 9, 2013

Date Mailed: May 9, 2013

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

LMF/cl

cc:

