

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012 23087
Issue No.: 3052,3003
Case No.: [REDACTED]
Hearing Date: February 21, 2013
County: Wayne (19)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on February 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Jet Case Manager, and [REDACTED] FIM.

ISSUE

Did the Department properly supplement the Claimant for FAP benefits?

Did the Department properly claim entitlement to recoupment of Overissuance for an Intentional Program Violation in case # [REDACTED]

FINDINGS OF FACT

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

1. The Department issued 4 months of FAP supplements after a redetermination. The Claimant was issued FAP supplement for the months beginning 6/1/12 through 9/1/12. The Claimant acknowledged at the hearing that he did receive the FAP supplements and did not dispute their amount or that they were not received. Thus the FAP supplement issue was resolved at the hearing.
2. The Claimant also sought to challenge a Notice of Case Action issued by the Department on 1/3/13 from the Department advising him that he was subject to a

recoupment of FAP benefits in the amount of \$3659 which the notice indicated were due to overissuance(s).

3. At the hearing the Department determined that the overissuance was associated with an action taken in [REDACTED] by the Department involving DHS Case No. [REDACTED] a case that does not bear the Claimant's name. The Department also testified that the amount owed was as a result of an Intentional Program Violation (IPV). The case number for the overissuance is associated with a former girlfriend of the Claimant. The Claimant no longer lives with this girlfriend.
4. The Claimant knew the person associated with the case number referenced in paragraph 3 but did not live with her in [REDACTED] and only lived with her for a period in [REDACTED]. At the time of the hearing Claimant did not live with his former girlfriend.
5. The Claimant requested a hearing on 1/14/13 requesting proof of correction of his benefits and proof of back benefits owed.

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 Mich Admin Code, R 400.3101 through R 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 Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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 AACR, R 400.3151 through R 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 Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, in this matter it is determined that there is no basis for the statement in the 1/3/13 Notice of Case Action that the Claimant still owes the Department \$3569. The Department's evidence established that an overissuance in the amount of \$3569 was determined in Case No. [REDACTED] a case number different than the Claimant's, and belonging to a former girlfriend. The IPV/overissuance cited by the Department involved a case number other than the Claimant's and arose due to a Department action in [REDACTED]. At the hearing the Claimant credibly testified that at no time was he the subject of an IPV action or debt collection in [REDACTED] and that he did not live with or even know his former girlfriend in [REDACTED]. Therefore, based upon the evidence presented, the Department did not establish that it was entitled to recoup the \$3569 amount from the Claimant's FAP benefits as asserted in the 1/3/13 Notice of Case Action, as any action involving the overissuance amount sought was issued against another case, not the Claimant's case. Claimant Exhibit 1. The issue involving the Claimant's FAP supplement was resolved at the hearing when Claimant acknowledged receiving all the supplements due to him and did not disagree with the amounts of any of the supplements.

DECISION AND ORDER

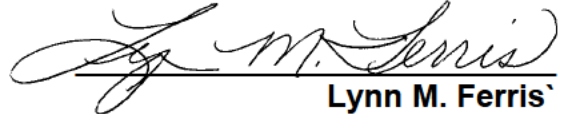
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when .
 did not act properly when it issued its notice of case action on 1/3/13 claiming Claimant owed \$3659 in overissuances to the Department .

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record and in this Decision.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall correct its Notice of Case Action issued 1/3/13 to reflect that no recoupment in the amount of \$3569 is owed to the Department by the Claimant on his case due to an overissuance or due to an overissuance associated with Case No. [REDACTED]


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

Date Signed: February 27, 2013

Date Mailed: February 27, 2013

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 **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: [REDACTED]