

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

IN THE MATTER OF:



Reg. No.: 2013-4934
Issue No.: 4060
Case No.: [REDACTED]
Hearing Date: February 27, 2013
Wayne County DHS (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); 1997 AACS R 400.941 and MCL 240201, et seq., upon a hearing request by the Department of Human Services to establish an over issuance (OI) of benefits to Respondent. After due notice, a hearing was held on February 27, 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 were Derrick Gentry, Regulation Agent, Office of Inspector General.

ISSUE

Did Respondent receive an over issuance of FIP FAP MA SDA CDC benefits?

FINDINGS OF FACT

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

1. Respondent was a recipient of FIP FAP MA SDA CDC during the period of January 2006 through August 2009.
2. Respondent received a FIP FAP MA SDA CDC OI during the period of January 8, 2006 through July 4, 2009 due to Department Client error.
3. \$ [REDACTED] of the OI is still due and owing to the Department.

4. The Claimant completed an application in 2006 and represented to the Department that she was employed at Best Western, Sterling Motel Mgmt. and did not report that she stopped working. At the time of her application the Claimant was no longer working for this employer.
5. The period of overissuance alleged by the Department OIG is for the period January 2006 through August 2009 in the amount of \$ [REDACTED].
6. The Work Number reported no income or employment for the overissuance period. The Employee Wage history run by the Department indicated that the Claimant did not work in 2006, only the second quarter of 2007 and did not show the Claimant worked thereafter.
7. The Department also presented records of Claimant's work first attendance in April 2006 which indicated that she did not attend and her case closed. In 2007, work first records show that Claimant was not attending work first and was triaged several times.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Child Development and Care 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 1997 AACRS R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

Additionally, at the hearing the Department established that the Claimant was not working and that her work first participation was lacking and she did not attend consistently and her FIP case was closed. The one employer Claimant listed was only for 2005 and was only verified for 2005, and the employment stated on the application in 2006 was for the same employer. No such employment could be established. Based upon these facts it is determined that the Claimant did receive an overissuance of CDC benefits as no employment was established and the Claimant did not attend work first after orientation.

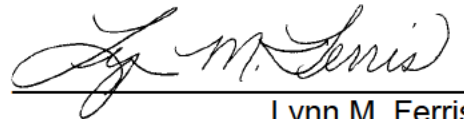
Based on the above Findings of Fact, the Administrative Law Judge concludes that the Department properly improperly determined that Respondent received a [REDACTED] of the OI of FIP FAP MA SDA CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did did not make the correct determination.

Accordingly, the Department is AFFIRMED REVERSED for the reasons stated on the record.

The Department is Ordered to initiate collection procedures in accordance with Department policy.



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

Date Signed: April 15, 2013

Date Mailed: April 15, 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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