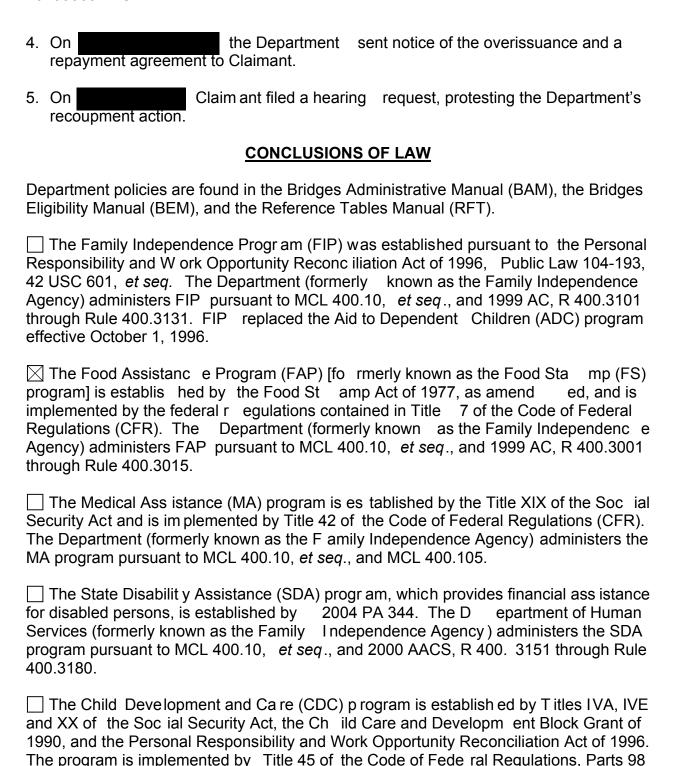
## STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:							
	Reg. N Issue N Case N Hearin County	No.: 3052 No.: g Date:					
ADMINISTRATIVE LAW JUDGE: Kevin So	cully						
HEARING DECISION							
This matter is before the undersigned Admir and MCL 400.37 following Claim ant's requelephone hearing was held on behalf of Claimant inc luded Human Services (Department) included	uest for a hearing.	•					
<u>ISSUE</u>							
Did Claim ant receive an overissuance of program benefits that the Department is entitled to recoup?							
FINDINGS OF FACT							
The Administrative Law Judge, based on t evidence on the whole record, finds as mate	•	iterial, and substantial					
During the period of benefits for:	through	, Claimant received					
<ul><li>☐ Family Independence Program (FIP)</li><li>☑ Food Assistance Program (FAP).</li><li>☐ Medical Assistance (MA).</li></ul>		ty Assistance (SDA). pment and Care (CDC).					
2. The Department determined that Claima  CDC over issuance in the amount of through							

3. The overissuance was due to:

☐ Department error. ☐ client error.



The Claimant does not dispute that a member of her household received earned income during the period of alleged overissuance of Food Assistance Program (FAP) benefits.

and 99. The Department provides servicies to adult a and children pursuant to MCL

400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

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The Department has established that earn ed income was not used to determine the Claimant's eligibility during the period of alleged overissuance.

For client error overi ssuance, the overis suance period begins t he first month benefit issuance exceeds the amount allowed by poli cy or 72 months bef ore discovery date, whichever is later. Department of Human Services Bridges Assistance Manual (BAM) 715 (April 1, 2007), p 4.

For department error overissuance, the over issuance period begins the first month (or

first pay period for CDC) when benefit issua nce exceeds the amount allowed by policy, or 12 months before the discovery date, wh ichever is later. Department of Human Services Bridges Assistance Manual (BAM) 705 (April 1, 2007), p 4.					
Department records indicate that the over issuance of Food Ass istance Program (FAP) benefits was discovered on					
Clients must report changes in circumstance that pot entially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. BAM 105.					
The Claimant testified that she notified the Department of the earned income in a timely manner but could not specifically remember the details of reporting this income because of the length of time that has passed.					
Department records indicate that the Department received verification of earned income on					
Based on the evidence and test imony available during the hear ing, this Administrative Law Judge finds that the Claimant received an overiss uance of Food Assistanc e Program (FAP) that was the result of client error.					
Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that Claimant					
☑ did receive an overiss uance for ☐ FIP ☑ FAP ☐ MA ☐ SDA ☐ CDC benefits in the amount of \$ that the Department is entitled to recoup.					
did not receive the overissuance fo r which the Department presently seek s 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:					
<ul><li>☑ did act properly.</li><li>☑ did not act properly.</li></ul>					

Accordingly, the Depar reasons stated on the re	<b>⊠AFFIRMED</b>	☐ REVERSED f	or the

Kevin Scully
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

/s/

Date Signed: <u>04/16/2013</u>

Date Mailed: <u>04/16/2013</u>

**NOTICE:** Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 ot her relevant iss ues in the hearing decision.

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Request must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative hearings
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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