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

IN THE MATTER OF:

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201328352 October 17, 2013 Calhoun	
ADMINISTRATIVE LAW JUDGE: Kevin Scully			
HEARING DECISION			
Upon a hearing request by the Department of Human Services (Department) to establish an overissuance (OI) of benefits to Respondent, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 400.43a, and 24.201, et seq., and Mich Admin Code, R 400.941, and in accordance with 7 CFR 273.15 to 273.18, 42 CFR 431.200 to 431.250, 45 CFR 99.1 to 99.33, and 45 CFR 205.10. After due notice, a telephone hearing was held on October 17, 2013, from Lansing, Michigan. Participants on behalf of the Department included 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 Department of Human Services Bridges			
Administrative Manual (BAM) 725 (July 1, 2013), pp. 13-17.			
Participants on behalf of Respondent included			
<u>ISSUE</u>			
Did Respondent receive an OI of ☐ Family Independence Program (FIP) ☐ Food Assistance Program (FAP) ☐ Denefits?	_	Assistance (SDA) nent and Care (CDC)	
FINDINGS OF FACT			
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:			
 Respondent was a recipient of ☐ FIP ☐ F the Department. 	FAP SDA	CDC benefits from	

Date Mailed: <u>10/22/2013</u>

2.	The Department alleges Respondent received a ☐ FIP ☐ FAP ☐ SDA ☐ CDC OI during the period January 1, 2011, through <i>August 31, 2011</i> , due to ☐ Department's error ☐ Respondent's error.
3.	The Department alleges that Respondent received a OI that is still due and owing to the Department.
	CONCLUSIONS OF LAW
Adm	artment policies are contained in the Department of Human Services Bridges hinistrative Manual (BAM), Department of Human Services Bridges Eligibility Manual M), and Department of Human Services Reference Tables Manual (RFT).
Res USC Age	The Family Independence Program (FIP) was established pursuant to the Personal ponsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 601 to 679c. The Department (formerly known as the Family Independence ncy) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, 20.3101 to .3131.
is es is in Dep	The Food Assistance Program (FAP) [formerly known as the Food Stamp program] stablished by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and applemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The artment (formerly known as the Family Independence Agency) administers FAP truant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.
Act, Fam	The State Disability Assistance (SDA) program is established by the Social Welfare MCL 400.1119b. The Department of Human Services (formerly known as the illy Independence Agency) administers the SDA program pursuant to MCL 400.10 Mich Admin Code, R 400.31513180.
of La	Administrative Law Judge, based upon the above Findings of Fact and Conclusions aw, finds that the Department
	DECISION AND ORDER
Acco	ordingly, the Department is AFFIRMED .
Date	Kevin Scully Administrative Law Judge for Maura Corrigan, Director Department of Human Services

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings Reconsideration/Rehearing Request P.O. Box 30639 Lansing, Michigan 48909-07322

KS/sw



