

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201315649
Issue No: 4060
Case No: [REDACTED]
Hearing Date: April 18, 2013
County: Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on March 13, 2013. After due notice, a telephone hearing was held on April 18, 2013. Claimant appeared and provided testimony and Claimant's nephew, [REDACTED], also appeared and provided testimony on Claimant's behalf. The department was represented by [REDACTED], a JET worker with the department's Grand Traverse County office, and [REDACTED], a recoupment specialist for out state operations with the department's Lansing office.

ISSUE

Whether Claimant received an over issuance (OI) of Refuge Cash Assistance (RCA) benefits that the department is entitled to recoup?

FINDINGS OF FACT

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

1. Claimant was a recipient of RCA benefits at all times relevant to this matter. (Department Exhibit 1)
2. On March 2, 2012, the department determined that the department had erroneously approved Claimant for RCA benefits for the benefit period January 1, 2011 through March 30, 2011 when Claimant was not eligible to receive such benefits due to her receipt of Social Security Income benefits during the same period. (Department Exhibits 3, 4, 5)

3. On March 2, 2012, the department mailed Claimant a written notice (DHS-4358-A) that she received an over issuance of RCA benefits in the amount of \$918.00 for the period of January 1, 2011 through March 31, 2011.
4. On March 18, 2012, Claimant submitted a hearing request, protesting the department's determination that she must repay the RCA over-issuance.
5. On November 26, 2012, Claimant submitted payment to the State of Michigan Department of Treasury Collection Division in the amount of \$306.00 for computed DHS general assistance. (Claimant Exhibit A)
6. On November 26, 2012, the department informed Claimant of the department's revised determination that Claimant received an over issuance of RCA benefits in the amount of \$612.00 for the period of January 1, 2011 through March 31, 2011. (Department Exhibit 6)
7. On December 19, 2012, Claimant submitted payment to the State of Michigan Department of Treasury Collection Division in the amount of \$306.00 for computed DHS general assistance. (Claimant Exhibit A)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Refugee Cash Assistance (RCA) is a federal program that helps refugees become self-sufficient after their arrival in the United States. Department of Human Services Bridges Eligibility Manual (BEM) 215, p. 1. RCA is a cash program for refugees who are not eligible for FIP. BEM 215. Only a person who is a refugee (or is treated as a refugee) as defined in BEM 630 and who is not a U.S. citizen can be eligible for RCA/RMA. BEM 630. The Department of Human Services (DHS or department) administers the RCA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The RCA certified group means those individuals in the RCA eligibility determination group (EDG) who meet all non-financial eligibility factors. Countable income and assets of CG members are always considered in determining eligibility. CG members have a RCA EDG participation status of eligible adult. BEM 215. Income eligibility exists when net income of individuals with a RCA EDG status of eligible or disqualified is less than

the needs of the certified group (CG). RCA uses the same payment standard as FIP; see RFT 210. BEM 630.

An over issuance is the amount of benefits issued to the client group in excess of what they were eligible to receive. BAM 705. The amount of the over issuance is the amount of benefits the group actually received minus the amount the group was eligible to receive. BAM 720. When a client group receives more benefits than they are entitled to receive, the Department must attempt to recoup the over issuance. BAM 700.

Department errors are caused by incorrect actions by the Department. BAM 705. Department error over issuances are not pursued if the estimated over issuance is less than \$125 per program. BAM 705.

In this case, Claimant was a recipient of RCA benefits in 2011 and, due to the department's failure to close Claimant's RCA benefits upon her receipt of SSI benefits, she received an over issuance of RCA benefits in the amount of \$612.00 for the period of January 1, 2011 through March 31, 2011.

At the April 18, 2013 hearing in this matter, Claimant presented documentation issued by the State of Michigan Department of Treasury establishing not only that Claimant has repaid and thus satisfied her \$612.00 debt for over-issued RCA benefits, but that Claimant has in fact **over-paid** the State of Michigan Department of Treasury in the amount of \$306.00 in satisfaction of this RCA over-issuance debt.

Consequently, this Administrative Law Judge finds that, based on the competent, material, and substantial evidence presented during the hearing, the department properly determined that Claimant received an over issuance of RCA benefits in the amount of \$612.00, which the department is required to recoup. This Administrative Law Judge further finds however that, in light of Claimant's payments to the State of Michigan Department of Treasury totaling \$918.00, Claimant has not only satisfied her RCA over issuance debt but has over-paid the State of Michigan Department of Treasury in the amount of \$306.00.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department established that Claimant received an over issuance of RCA benefits in the amount of \$612.00, which the department is required to recoup. Accordingly, the department's recoupment of Claimant's over-issuance of FAP benefits in the amount of \$612.00 is **UPHELD**.

This Administrative Law Judge further decides that, in light of Claimant's payments to the State of Michigan Department of Treasury totaling \$918.00, Claimant has not only satisfied her RCA over issuance debt but has over-paid the State of Michigan Department of Treasury in satisfaction of her RCA over issuance debt in the amount of \$306.00. Accordingly, the department is ordered to take all steps necessary under BAM 725 (page 9) to refer Claimant's overpayment to the Reconciliation and

Recoupment Section staff of the Michigan Department of Treasury for processing and resolution.

It is **SO ORDERED**.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 24, 2013

Date Mailed: April 24, 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 60 days of the filing of the original request.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

201315649/SDS

A request for a rehearing or reconsideration must be submitted through the local DHS office or directly to MAHS by mail at:

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

SDS/aca

cc:

