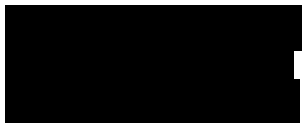


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2013-30774
Issue No: 6052
Case No:
Hearing Date: May 28, 2013
Wayne-17 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION FOR INTENTIONAL PROGRAM VIOLATION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Department of Human Services' (Department) request for a hearing. After due notice, a telephone hearing was held on May 28, 2013, from Lansing, Michigan. The Department was represented by of the Office of Inspector General (OIG).

Respondent did appear at the hearing and provided testimony.

ISSUES

1. Did Respondent receive an overissuance (OI) of Family Independence Program (FIP), Food Assistance Program (FAP), State Disability Assistance (SDA), Child Development and Care (CDC) benefits that the Department is entitled to recoup?

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's OIG filed a hearing request on February 14, 2013 to establish an OI of benefits received by Respondent as a result of Respondent having allegedly committed an IPV.
2. The OIG has has not requested that Respondent be disqualified from receiving program benefits.
3. Respondent was a recipient of CDC benefits from May 24, 2009 through August 1, 2009.
4. Respondent was was not aware of the responsibility to report all changes within 10 days.

5. Respondent had no apparent physical or mental impairment that would limit the understanding or ability to fulfill this requirement.
6. The Department's OIG indicates the time period they are considering the fraud period is May 24, 2009 through August 1, 2009.
7. During the alleged fraud period, Respondent was is sued \$ [REDACTED] in CDC benefits from the State of Michigan.
8. Respondent was entitled to \$0 in CDC benefits during this time period.
9. Respondent did did not receive an OI in the amount of \$ [REDACTED] in CDC benefits.
10. This was Respondent's first second third IPV.
11. A notice of disqualification hearing was mailed to Respondent at the last known address and was was not returned by the US Post Office as undeliverable.

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 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 1997 AACSR 400.5001-5015.

In the present matter, the Department requested a hearing to establish an over-issuance of CDC benefits, claiming that the over-issuance was a result of an IPV committed by Respondent.

In this case, the Claimant was receiving CDC benefits as a result of her participation in WF/JET. In order to continue receiving the CDC benefits, the Claimant needed to have a CDC need reason. Those reasons were limited to WF/JET participation or employment.

Testimony and other evidence must be weighed and considered according to its reasonableness. Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter.

Here, the OIG presented unequivocal evidence that the Respondent stopped participating in WF/JET and failed to have a job during the time period in which she received CDC benefits.

Although the Respondent indicated she was employed during the time period in question, the Respondent failed to produce any evidence to corroborate this claim. In the absence of this evidence and in light of the evidence the Department submitted, I find the Claimant was not participating in WF/JET or employed during the time periods in which she received CDC benefits.

Based on the credible testimony and other evidence presented, I have concluded the OIG established, under the clear and convincing standard, that Respondent committed an IPV in this matter. At no time did the Respondent inform the Department of her changes in circumstances that would have resulted in ineligibility for the CDC program.

DECISION AND ORDER

I have concluded, based upon the above Findings of Fact and Conclusions of Law:

1. Respondent did did not commit an IPV.
2. Respondent did did not receive an overissuance of program benefits in the amount of \$ [REDACTED] from the following CDC program.

The Department is ORDERED to initiate recoupment procedures for the amount of \$ [REDACTED] in accordance with Department policy.



Corey A. Arendt
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 29, 2013

Date Mailed: May 29, 2013

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Respondent may appeal it to the circuit court for the county in which he/she lives.

2013-30774/CAA

CAA/las

cc:

