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

IN THE MATTER OF:

[redacted]

Reg. No.: 201330972
Issue No.: 3052
Case No.: [redacted]
Hearing Date: March 20, 2013
County: Genesee 06

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 20, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [redacted] r (Claimant) and [redacted] (Claimant's son). Participants on behalf of Department of Human Services (Department) included [redacted] (Recoupment Specialist).

ISSUE

Did Claimant receive an overissuance of Food Assistance Program (FAP) 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. During the period of March 1, 2012 through November 30, 2012, Claimant received benefits for:

   ☐ Family Independence Program (FIP). ☐ State Disability Assistance (SDA).
   ☒ Food Assistance Program (FAP). ☐ Child Development and Care (CDC).
   ☐ Medical Assistance (MA).

2. The Department determined that Claimant received a
   ☐ FIP ☒ FAP ☐ MA ☐ SDA ☐ CDC overissuance in the amount of $1,525.00 during the period of March 1, 2012 through November 30, 2012.

3. The overissuance was due to ☒ Department error. ☐ client error.

4. On February 11, 2013, the Department sent notice of the overissuance and a repayment agreement to Claimant.

5. On February 21, 2013, Claimant filed a hearing request, protesting the Department's recoupment action.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

☒ The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq*., and 1997 AACS R 400.3001-3015.

☐ The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq*., and MCL 400.105.

☐ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq*., and 1998-2000 AACS R 400.3151-400.3180.

☐ The Child Development and Care (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 AACS R 400.5001-5015.

Departmental policy, states that when the client group receives more benefits than the group is entitled to receive, the Department must attempt to recoup the overissuance (OI). BAM 700. Repayment of an OI is the responsibility of anyone who was an eligible, disqualified, or other adult in the program group at the time the OI occurred. BAM 700. Recoupment is a Department action to identify and recover a benefit OI. BAM 700.

Here, the Department provided evidence that it failed to properly budget Claimant's income after receiving a wage match from Claimant's employer [redacted]. The agency error resulted in an OI of FAP benefits. Claimant did not dispute the OI or the amount. Rather, Claimant argued that he believed it was unfair that he should be forced to repay the OI. However, BAM 700 clearly provides that "when the client group receives more benefits than the group is entitled to receive, the Department must attempt to recoup the overissuance (OI)."

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that Claimant

☒ did receive an overissuance for ☐ FIP ☒ FAP ☐ MA ☐ SDA ☐ CDC benefits in the amount of $1,575.00 that the Department is entitled to recoup.

☐ did not receive the overissuance for which the Department presently seeks 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
☒ did act properly. ☐ did not act properly.

Accordingly, the Department's decision is ☒ AFFIRMED ☐ REVERSED for the reasons stated on the record.

IT IS SO ORDERED.

/s/_____
C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 25,2 013

Date Mailed: March 26, 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.

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 other relevant issues in the hearing decision

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

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

CAP/cr

cc: [redacted]