

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

IN THE MATTER OF:



Reg. No.: 2014-21040
Issue No.: 1006
Case No.:
Hearing Date: April 24, 2014
County: Genesee(6)

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Respondent's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 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, telephone hearing was held on Thursday, April 24, 2014, from Lansing, Michigan. Participants on behalf of Respondent included the Respondent. Participants on behalf of the Department of Human Services (Department) included , RS.

ISSUE

Did Respondent receive an over-issuance of program 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. Respondent received benefits for Family Independence Program (FIP).
2. The Department determined that Respondent received a FIP FAP SDA CDC over-issuance in the amount of \$ during the period of August 1, 2013, through September 30, 2013.
3. The over-issuance was due to Department error.
4. On December 3, 2013, the Department sent notice of the over-issuance and a repayment agreement to Respondent/Respondent's Authorized Representative (AR).
5. On December 20, 2013, Respondent/Respondent's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's recoupment action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, the Respondent was a recipient of FIP who applied on June 19, 2013. Department Exhibit 1-31. On June 20, 2013, the Department Caseworker sent the Respondent a Verification Checklist for written verification of that was due July 1, 2013. Department Exhibit 33-34. The Respondent failed to provide the required verification of her [REDACTED] t that due on July 1, 3013. As a result, the Department Caseworker sent the Respondent a Notice of Over-issuance on December 3, 2013, that FIP was overissued due to Department error because the Respondent failed to verify her [REDACTED] to be eligible for FIP benefits. Department Exhibit 37-43. BAM 105, 115, 220, 700, 705, and 725. BEM 210 and 245.

After a review of the record submitted, this Administrative Law Judge notes that the Verification Checklist dated June 20, 2013 was sent to [REDACTED] as subsequent correspondence. The Respondent did use [REDACTED], but may have moved in the interim between mailings. During the hearing, the Respondent stated that she did not receive a Verification Checklist asking for confirmation of her [REDACTED] and that it was summer and her [REDACTED] at the time. She stated that she would be willing to provide the information. On April 28, 2014, this Administrative Law Judge received verification from the Department that the Respondent's [REDACTED] during the contested time period. Respondent Exhibit a.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, the Administrative Law Judge concludes that Respondent did not receive the over-issuance for which the Department presently seeks recoupment.

DECISION AND ORDER

Accordingly, the Department's action seeking recoupment is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination of the Respondent's eligibility for FIP by using the school enrollment submitted to determine the Respondent's eligibility for FIP.
2. Provide the Respondent with written notification of the Department's revised eligibility determination.
3. Issue the Respondent any retroactive benefits she/he may be eligible to receive, if any.

Carmen G. Fahie

Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/16/14

Date Mailed: 5/16/14

NOTICE OF APPEAL: The Respondent 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 Respondent;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the Respondent 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.

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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

CGF/tb

cc:

