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

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benefits?

	Reg. No.: Issue No(s).: Case No.: Hearing Date: County:	2014-5710 1006 April 23, 2014 Macomb (36)			
ADMINISTRATIVE LAW JUDGE: Zainab Baydou	n				
HEARING DECIS	ION				
Upon a hearing request by the Department of establish an overissuance (OI) of benefits to Reundersigned Administrative Law Judge pursuant to seq., and Mich Admin Code, R 400.941, and in 273.18, 42 CFR 431.200 to 431.250, 45 CFR 99.1 due notice, a three way telephone hearing was hearing man and the Michigan. Participants on behalf of the Department Specialist, Assistant Attorney General Department Translator.	espondent, this notes in MCL 400.9, 400 accordance with to 99.33, and 45 neld on April 23, rtment included	natter is before the .43a, and 24.201, e h 7 CFR 273.15 to CFR 205.10. Afte 2014, from Detroit			
Respondent did not appear. This matter havi and due notice having been provided to Res Respondent's absence in accordance with Depa Administrative Manual (BAM) 725 (), pp. 13-	pondent, the he artment of Huma	earing was held ir			
Participants on behalf of Respondent include son, and Attorney .	d Respondent,	, her			
<u>ISSUE</u>					
Did Respondent receive an OI of Family Independence Program (FIP)	•	Assistance (SDA)			

owing to the Department.

FINDINGS OF FACT

	Administrative Law Judge, based on the competent, material, and substantial ence on the whole record, finds as material fact:
1.	Respondent was a recipient of $\ \ $
2.	The Department alleges Respondent received a ☑ FIP ☐ FAP ☐ SDA ☐ CDC OI during the period February 1, 2013, through September 30, 2013, due to ☑ Department's error ☐ Respondent's error.
3.	The Department alleges that Respondent received a \$3224 OI that is still due and

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, when a client group receives more benefits than they are entitled to receive, the Department must attempt to recoup the OI. BAM 700 (July 2013), p. 1. An agency error OI is caused by incorrect actions by the Department, including delayed or no action, which result in the client receiving more benefits than they were entitled to receive. BAM 700, p.4. A client error OI occurs when the client received more benefits than they were entitled to because the client gave incorrect or inaccurate information to the Department. BAM 700, p.6.

The amount of the OI is the benefit amount the client actually received minus the amount the client was eligible to receive. BAM 715 (July 2013), pp. 1, 6; BAM 705 (July 2013), p 6.

In this case, the Department alleges that Respondent received a \$3224 OI in FIP benefits from February 1, 2013, through September 30, 2013, due to the agency's error. The Department testified that although it became aware on October 25, 2012, that Respondent had started receiving social security benefits, it failed to take action on the information received, which caused an OI. The Department stated that the error was discovered in August 2013, upon review of Respondent's FIP case.

In support of its OI case, the Department presented a letter from the Social Security Administration (SSA) and an SOLQ showing that Respondent was receiving monthly Retirement Survivors Disability Insurance benefits. (Exhibit 1, pp.18,23-25). Respondent confirmed that she received RSDI benefits during the period at issue.

At the hearing, the Department established that the State of Michigan issued \$3224 in FIP benefits to Respondent from February 1, 2013, to September 30, 2013. (Exhibit 1, p.3). The Department alleged that Respondent was eligible to receive \$0 in FIP benefits during this period. The Department presented FIP Income Test budgets for the months during the OI period which show that Respondent's unearned income from RSDI had not been included in her FAP budget. A review of the budgets shows that, when Respondent's unearned income from RSDI is included in the calculation of her FIP benefits, she was eligible to receive \$0 in FIP benefits during those months, based on the FIP payment standard and her group size. (Exhibit 1, pp. 4-17).

Thus, the Department is entitled to recoup or collect from Respondent the \$3224 in FIP benefits issued to Respondent between February 1, 2013, and September 30, 2013. 2011.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did establish a FIP benefit OI to Respondent totaling \$3224.

DECISION AND ORDER

Accordingly, the Department is AFFIRMED.

The Department is ORDERED to initiate collection procedures for a \$3224 OI in accordance with Department policy.

Zainab Baydoun

Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 15, 2014

Date Mailed: May 15, 2014

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

ZB/tlf

cc: