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

IN THE MATTER OF:

[redacted]

Reg. No.: 201425787
Issue No(s).: 6006
Case No.: [redacted]
Hearing Date: June 3, 2014
County: Wayne County DHS #31

ADMINISTRATIVE LAW JUDGE: Gary F Heisler

HEARING DECISION

Upon a hearing request by the Department of Human Services (Department) to establish an over-issuance (OI) of benefits to Respondent, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 400.43a, and 24.201, *et seq.*, and Mich Admin Code, R 400.941, and in accordance with 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, a telephone hearing was held on June 3, 2014, from Lansing, Michigan. Participants on behalf of the Department included [redacted].

Respondent did not appear. This matter having been initiated by the Department and due notice having been provided to Respondent, the hearing was held in Respondent's absence in accordance with Department of Human Services Bridges Administrative Manual (BAM) 725.

ISSUE

Did Respondent receive a $[redacted] over-issuance of Food Assistance Program benefits from June 1, 2010 to October 30, 2011?

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 was a recipient of Child Development and Care Program benefits from the Department.

2. June 1, 2010 to October 30, 2011 has been properly determined as the over-issuance period.

3. Due to Respondent providing incorrect information about her employment status, she received a $[redacted] over-issuance of Child Development and Care Program benefits from June 1, 2010 to October 30, 2011.

4. The Department requested this Debt Establishment hearing on behalf of Respondent on February 12, 2014.

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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

BAM 725 COLLECTION ACTIONS (2013)

DEPARTMENT POLICY
FIP, SDA, CDC AND FAP

When the client group or CDC provider receives more benefits than entitled to receive, DHS must attempt to recoup the over-issuance. This item explains repayment responsibility, Benefit Recovery System data management, and the various collection processes used by DHS.

PAYMENT RESPONSIBILITY

All Programs

Repayment of an over-issuance is the responsibility of:

Anyone who was an eligible, disqualified, or other adult in the program group at the time the over-issuance occurred.

A FAP-authorized representative if they had any part in creating the FAP overissuance.

DEBT COLLECTION HEARINGS
FIP, SDA, CDC, MA and FAP
DHS requests hearings for debt establishment and collection purposes. The hearing decision determines the existence and collect-ability of a debt to the agency.

Repay Not Returned
If the DHS-4355, Repay Agreement, is not returned within 30 days of being sent out, the RS must review the over-issuances identified on the GH-800 to determine if a debt collection hearing is appropriate.

Pursue a debt collection hearing only when the repay agreement has not been returned as undeliverable.

Notice of Hearing
MAHS schedules the hearing. The client is sent a DHS-828, Notice of Debt Collection Hearing approximately three weeks prior to the hearing date. A copy of this notice is sent to the local office hearings coordinator.

If the DHS-828 is returned to MAHS by the post office as undeliverable, MAHS will dismiss the hearing.

A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department has established a Child Development and Care Program benefit over-issuance to Respondent totaling $7,932.

DECISION AND ORDER

Accordingly, the Department is **AFFIRMED**.

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

Date Signed: June 17, 2014

Date Mailed: June 17, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

GFH/hj

cc: [redacted]