

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201425454  
Issue No(s): 4006  
Case No.: [REDACTED]  
Hearing Date: June 16, 2014  
County: Muskegon

**ADMINISTRATIVE LAW JUDGE:** Robert J. Chavez

**HEARING DECISION**

Upon a hearing request by the Department of Human Services (Department) to establish an overissuance (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 16, 2014, from Detroit, Michigan. Participants on behalf of the Department included [REDACTED] RS.

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 (2014), pp. 16.

Participants on behalf of Respondent included [REDACTED]

**ISSUE**

Did Respondent receive an OI of

Family Independence Program (FIP)

Food Assistance Program (FAP)

benefits?

State Disability Assistance (SDA)

Child Development and Care (CDC)

**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  FIP  FAP  SDA  CDC benefits from the Department.
2. The Department alleges Respondent received a  FIP  FAP  SDA  CDC OI during the period April 1, 2011, through February, 2012 due to  Department's error  Respondent's error.
3. The Department alleges that Respondent received a [REDACTED] OI that is still due and owing to the Department.

### **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 State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, claimant does not protest the amount of the recoupment, whether there was an error, or allege in any way that the Department's recoupment calculation was in some way faulty. Claimant instead alleges that the Department took too long to pursue the recoupment.

Timelines contained in policy with regards to implementing recoupment actions are internal standards of promptness and primarily a guideline; failing to meet these standards, especially in the complete absence of any specific allegations of prejudice suffered by the claimant, does not require dismissal of the case. Dep't of Consumer & Indus Servs v Greenberg, 231 Mich App 466; 586 NW2d 560 (1998)

In the current case, the claimant has failed to show or allege specific allegations of prejudice. The action in question occurred in 2011 and 2012 and claimant still remembers and is familiar with the actions that led to the recoupment in question. Claimant was not impaired by the delay from mounting an adequate defense--in fact, claimant did not attempt to dispute the numbers in question and instead focused entirely on the length of time in bringing an action, which is an insufficient reasoning under the Greenberg decision.

As such, the undersigned holds that a delay of less than 48 months in bringing the action in question is not significant enough to make a finding that the recoupment is improper.

The Administrative Law Judge has reviewed the calculations and found no errors. Therefore, as the evidence shows that the calculations were correct, and as there is no dispute as to the calculation methods, and as the recoupment amount is over the threshold for recoupment for client and agency error as provided in policy, the Administrative Law Judge holds that the claimant received SDA benefits that they were not entitled to, and must repay the benefits through the recoupment process..

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department  did  did not establish a  FIP  FAP  SDA  CDC benefit OI to Respondent totaling [REDACTED].

**DECISION AND ORDER**

Accordingly, the Department is

AFFIRMED.

The Department is ORDERED to initiate collection procedures for a [REDACTED] OI in accordance with Department policy.



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**Robert J. Chavez**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 8, 2014

Date Mailed: August 8, 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.

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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

RJC/tm

cc:

