



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: July 2, 2021
MOAHR Docket No.: 21-002525
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On May 20, 2021, Petitioner, [REDACTED], requested a hearing to dispute a notice of overissuance. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 29, 2021. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Crystal Hackney, Assistance Payments Supervisor, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 32-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly determined that Petitioner owes the Department a debt of \$980.00 for Family Independence Program (FIP) benefits that were overissued to her from August 2020 through February 2021?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was a FIP recipient.
2. Petitioner received \$403.00 in FIP benefits per month in August 2020, December 2020, January 2021, February 2021, and March 2021.

3. The Department reviewed Petitioner's case and determined that she was overissued FIP benefits because she received FIP benefits based on a budgeted income that did not include Petitioner's SSI or child support.
4. Petitioner received child support payments in August 2020, December 2020, January 2021, February 2021, and March 2021.
5. Petitioner received an SSI payment in March 2021.
6. On May 8, 2021, the Department issued a notice of overissuance to Petitioner to notify her that she was overissued \$980.00 in FIP benefits from August 2020 through February 2021.
7. On May 20, 2021, Petitioner requested a hearing.
8. Petitioner asserted that she did not receive the income the Department alleged that she received.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

In this case, Petitioner requested a hearing to dispute a notice of overissuance of FIP benefits. The Department alleged that Petitioner was overissued \$980.00 in FIP benefits from August 2020 through February 2021 because she had income from SSI and child support that was not budgeted. Petitioner disputed the Department's allegation that she was receiving SSI and child support; Petitioner asserted that she received neither SSI nor child support during the time period of August 2020 through February 2021.

Although the Department presented sufficient evidence to establish that Petitioner received SSI and child support during the time period of August 2020 through February 2021, the Department did not present any evidence to establish that it properly determined the overissuance amount. The Department did not provide any documentation to show how it calculated the overissuance amount, and the Department was unable to otherwise explain how it calculated the overissuance amount.


Specifically, the Department could not explain Petitioner's budgeted income for each month and how it determined her correct FIP benefit amount.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with its policies and the applicable law when it determined that Petitioner owes the Department a debt of \$980.00 for Family Independence Program (FIP) benefits that were overissued to her from August 2020 through February 2021.

IT IS ORDERED, the Department's decision is **REVERSED**. The Department shall begin to implement this decision within 10 days.

JK/cc



Jeffrey Kemm
Administrative Law Judge

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Recoupment- Hearings
MDHHS-Wayne-17-Hearings
BSC4-HearingDecisions
B. Sanborn
MOAHR

Petitioner- Via USPS:

