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

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

████████████
████████████
██████, MI ████

Date Mailed: August 11, 2023
MOAHR Docket No.: 23-003930
Agency No.: ████████
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

Following Petitioner'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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 3, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Crystal Conlin. Colette Brown also appeared and testified for the Department. Department Exhibit 1, pp. 1-46 was received and admitted.

ISSUE

Did the Department properly determine that Petitioner received an overissuance of Family Independence Program (FIP) benefits due to client error?

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 recipient of FIP benefits.

2. On May 31, 2023, a fee investigator went to the home Petitioner listed as her address ████ ███████ ██ and spoke to ███████ ███████ who told her Petitioner and █████ ███████ resided at the home.

3. Petitioner failed to report █████ ███████ who is the father of her children, was living with her and earning employment income.

4. On June 15, 2023, Notice of Overissuance was sent to Petitioner alleging that he received an overissuance of FIP benefits in the amount of $4,461 from November 1, 2022, through June 30, 2023, because employment income was not budgeted. (Ex. 1, p.41)

5. On June 20, 2023, Petitioner requested hearing disputing the determination of overissuance.

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.

**Mandatory
FIP EDG
Members**

When cash assistance is requested for a dependent child, or a dependent child is a mandatory FIP EDG member, all of the following individuals who live together are in the FIP EDG:

Dependent child.

Child's legal parent(s).

Child's legal siblings who meet the definition of a dependent child (siblings have at least one legal parent in common).

Legal parent(s) of the child's siblings.

Child's legal stepparent, even after death of or divorce from the parent.

Child's legal stepsiblings, who meet the definition of a dependent child, even after death of or divorce from the parent.

Child's child. BEM 210

**OVERISSUAN
CE AMOUNT**
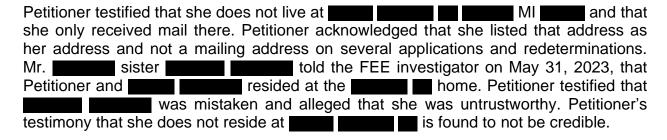
FIP, SDA, CDC and FAP

The amount of the overissuance is the benefit amount the group or provider actually received minus the amount the group was eligible to receive. BAM 715 (October 2017)

Client Error

All Programs

A **client error** occurs when the client received more benefits than they were entitled to because the client gave incorrect or incomplete information to the department. BAM 700, p.7 (October 2018)

In this case, Petitioner failed to report that the father of her children ███ ██████ was residing with her and earning employment income. As a result, Petitioner received $4,461, in FIP benefits from the time period from November 1, 2022, through June 30, 2023, due to client error. Department policy requires that client error overissuances be recouped. BAM 700 The Department provided sufficient proof that Petitioner failed to report that the father of her child was in her household and his employment income was not budgeted and as a result Petitioner received an overissuance of FAP benefits.

Petitioner testified that she does not live at ████ ██████ ██ █████ MI █████ and that she only received mail there. Petitioner acknowledged that she listed that address as her address and not a mailing address on several applications and redeterminations. Mr. ██████ sister ██████ ██████ told the FEE investigator on May 31, 2023, that Petitioner and █████ ██████ resided at the ██████ █ home. Petitioner testified that ██████ ██████ was mistaken and alleged that she was untrustworthy. Petitioner's testimony that she does not reside at ████ ██████ █ is found to not be credible.

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 acted in accordance with Department policy when it determined that Petitioner received an overissuance of FIP benefits in the amount of $4,461 during the time period from November 1, 2022, and June 30, 2023, due to client error.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

AM/nr

Aaron McClintic
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-Electronic Mail :

DHHS
Corlette Brown
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227
MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov

Interested Parties
Wayne 31 County DHHS
MSHHS Recoupment
N. Stebbins
MOAHR

Via-First Class Mail :

Petitioner
███████████
███████████
██████, MI █████