



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: [REDACTED]
MOAHR Docket No.: 22-002000
Agency No.: [REDACTED]
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Upon the request for a hearing by the Department of Health and Human Services (Department), this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, and in accordance with Titles 7, 42 and 45 of the Code of Federal Regulation (CFR), particularly 7 CFR 273.16, 42 CFR 431.230(b), and 45 CFR 235.110, and with Mich Admin Code, R 400.3130 and 400.3178. After due notice, a telephone hearing was held on July 19, 2022, from Lansing, Michigan. The Respondent was represented by himself with his daughter, [REDACTED]. The Department of Health and Human Services (Department) was represented by Julie Luczak, Assistance Payments Supervision.

ISSUE

Did the Department properly determine that the Respondent had received an overissuance of State Disability Assistance (SDA) benefits due to Department error?

ISSUES

1. On [REDACTED] 2019, the Respondent applied for SDA benefits where he answered truthfully that he is not a US National/Citizen. Department Exhibit 1, pgs.93-99.
2. On February 26, 2019, he provided a copy of his US Permanent Resident Card with the annotation of class code IRO, I-551 to the Department. Department Exhibit 1, pg. 19.
3. On February 9, 2022, the Department realized that the Respondent was receiving SDA benefits in error and his non-Citizenship status was corrected and his SDA case was closed effective March 1, 2022. Department Exhibit 1, pgs.56-57.
4. On March 18, 2022, an Overissuance Referral, DHS 4701, was received from the Recoupment Specialist based on BAM 705, Agency Error Overissuances, to

determine the overissuance from March 1, 2021, through February 28, 2022, in the amount of \$ [REDACTED] Department Exhibit 1, pgs. 100-114.

5. The Department alleges that Respondent received \$ [REDACTED] SDA OI due Department's error and the SDA OI is still due and owed to the Department. Department Exhibit 1, pgs. 8-18.
6. On [REDACTED] [REDACTED] 2022, the Department received a hearing request from the Respondent, contesting the Department's negative action.

CONCLUSIONS OF LAW

MDHHS policies are contained in the MDHHS Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Adult Services Manual (ASM), and Reference Tables Manual (RFT).

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1 *et seq.* MDHHS administers the SDA program pursuant to 42 CFR 435, MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3151 to R 400.3180.

In the instant case, the Respondent applied for SDA benefits where he answered truthfully that he is not a US National/Citizen on February 23, 2019. On February 26, 2019, he provided a copy of his US Permanent Resident Card with the annotation of class code IRO, I-551 to the Department. On February 9, 2022, the Department realized that the Respondent was receiving SDA benefits in error and his non-Citizenship status was corrected and his SDA case was closed effective March 1, 2022. Department Exhibit 1, pgs.56-57.

On March 18, 2022, an Overissuance Referral, DHS 4701, was received from the Recoupment Specialist based on BAM 705, Agency Error Overissuances, to determine the overissuance from March 1, 2021, through February 28, 2022, in the amount of \$ [REDACTED] Department Exhibit 1, pgs. 100-114 The Department alleges that Respondent received \$ [REDACTED] SDA OI due Department's error and the SDA OI is still due and owed to the Department. Department Exhibit 1, pgs. 8-18. On [REDACTED] [REDACTED] 2022, the Department received a hearing request from the Respondent, contesting the Department's negative action.

During the hearing, the Respondent and his daughter stated that the Respondent was unable to repay the overissuance amount because he has no income. The Respondent also properly notified the Department that he was not a US citizen, but he received benefits in error due to the Department. The Department is required to recoup overissuances even those due to Department error if the Respondent was not eligible for those benefits per BEM 225. Therefore, MDHHS is entitled to repayment from Respondent of \$ [REDACTED] in overissued SDA benefits.


DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department **did** establish an SDA benefit OI to Respondent totaling \$ [REDACTED] for the contested time period of March 1, 2021, through February 28, 2022.

Accordingly, the Department is **AFFIRMED**.

The Department is ORDERED to initiate collection procedures for an SDA \$ [REDACTED] OI in accordance with Department policy.

CF/cc



Carmen G. Fahie
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
Kelly Sutherland
Livingston County DHS
2300 E Grand River Ste. 1
Howell, MI 48843
**MDHHS-Livingston-
Hearings@michigan.gov**

DHHS Department Rep.
Overpayment Research and
Verification (ORV)
235 S Grand Ave
Lansing, MI 48909
**MDHHS-RECOUPMENT-
HEARINGS@Michigan.gov**

BSC4-HearingDecisions
K. Laradsheh
MOAHR

Via-First Class Mail :

Petitioner
