



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: June 16, 2022
MOAHR Docket No.: 22-002183
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 June 15, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was not present.

ISSUE

Did Petitioner receive an overissuance of Family Independence Program (FIP) benefits that the Department is entitled to recoup?

FINDINGS OF FACT

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

1. On ██████████ 2020, Petitioner submitted an application for FIP benefits.
2. Petitioner was a recipient of FIP benefits in April and May 2020, issued by the State of Michigan.
3. On January 20, 2022, the Department issued a Notice of Overissuance informing Petitioner that she was overissued FIP benefits in the amount of \$██████ during the period of April 1, 2020, through May 31, 2020.
4. Petitioner submitted a request for hearing disputing the Department's actions.

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, the Department did not participate in the hearing. However, on May 17, 2022, the Department sent the Michigan Office of Administrative Hearings and Rules a Hearing Summary, which was read into the record. Per the Hearing Summary, Petitioner was issued FIP benefits by the State of Michigan, at the same time she was issued cash assistance benefits by the State of Georgia.

Concurrent receipt of benefits means assistance received from multiple programs to cover a person's needs for the same time period. BEM 222 (October 2018), p. 1. A recipient of cash assistance from another state is not eligible for FIP in Michigan for the same month. BEM 222, p. 1.

At the hearing, Petitioner denied receiving cash assistance from the State of Georgia during any months she received FIP benefits from the State of Michigan. Petitioner testified that she closed her cash case in the State of Georgia and the last month she received cash assistance from Georgia was in February 2020. The Department was not present at the hearing to present evidence that Petitioner received cash assistance from the State of Georgia during the same months that she received cash assistance from the State of Michigan. Therefore, the Department failed to establish Petitioner was overissued FIP benefits.

DECISION AND ORDER

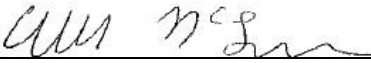
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner was overissued FIP benefits in the amount of \$████ during the period of April 1, 2020, through May 31, 2020.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department is to delete the OI in the amount of \$ [REDACTED] and cease any recoupment and/or collection action.
2. The Department is to return any amounts already recouped and/or collected from Petitioner related to the OI in the amount of \$ [REDACTED] for the period of April 1, 2020, through May 31, 2020.

EM/tm



Ellen McLemore
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:

MDHHS-Oakland-2-Hearings
MDHHS-Recoupment-Hearings
B. Sanborn
M. Schoch
BSC4
MOAHR

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]