



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

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

Date Mailed: January 27, 2025
MOAHR Docket No.: 24-013936
Agency No.: 114979515
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On December 2, 2024, Petitioner [REDACTED] requested a hearing to dispute a notice of overissuance. As a result, a hearing was scheduled to be held on January 16, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Overpayment Establishment Analyst Minnie Egbunu appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 34-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

ISSUE

Did the Department properly determine that Petitioner owes the Department a debt of \$2,718.00 for Family Independence Program (FIP) cash assistance benefits that were overpaid to her for the months of November 2023 through July 2024?

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 September 7, 2024, the Department erroneously issued Petitioner FIP cash assistance benefits totaling \$2,718.00. The issuance represented \$302.00 per month for the months of November 2023 through July 2024.

2. Petitioner had not applied to receive FIP cash assistance benefits before the Department erroneously issued the FIP cash assistance benefits to Petitioner.
3. The Department subsequently discovered that it erroneously issued FIP cash assistance benefits to Petitioner.
4. The Department contacted Petitioner, and Petitioner reported to the Department that she used the FIP cash assistance benefits that she received.
5. On November 26, 2024, the Department mailed a notice of overissuance to Petitioner to notify her that she was overpaid \$2,718.00 in FIP cash assistance benefits for the months of November 2023 through July 2024 due to an agency error.
6. Petitioner requested a hearing to dispute the overpayment.

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 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.

When a client receives more benefits than she was entitled to receive, the Department must attempt to recoup the overpayment. BAM 700 (June 1, 2024), p. 1. The overpayment amount is the amount of benefits in excess of the amount the client was eligible to receive. *Id.* at 2.

In this case, the Department overpaid FIP cash assistance benefits to Petitioner when the Department erroneously issued Petitioner FIP cash assistance benefits totaling \$2,718.00 for the months of November 2023 through July 2024. Petitioner was not entitled to the FIP cash assistance benefits she received because she never applied for them. Thus, Petitioner received FIP cash assistance benefits totaling \$2,718.00 that she was not entitled to receive. Accordingly, the Department properly determined that it overpaid Petitioner \$2,718.00 in FIP cash assistance benefits.

The Department overpaid Petitioner due to the Department's error. An overpayment of FIP cash assistance benefits that results from the Department's error must be pursued by the Department when the amount is greater than or equal to \$250.00. BAM 700 at 5. The amount of the overpayment was \$2,718.00. Thus, although Petitioner received an overpayment due to the Department's error, the Department acted in accordance with its


policies when it pursued the overpayment because the amount involved was greater than or equal to \$250.00.

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 acted in accordance with its policies and the applicable law when it determined that Petitioner owes the Department a debt of \$2,718.00 for FIP cash assistance benefits that were overpaid to her for the months of November 2023 through July 2024.

IT IS ORDERED that the Department's decision is **AFFIRMED**.

JK/pe

A handwritten signature in dark ink, appearing to read 'JK' followed by a stylized surname, positioned above a horizontal line.

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 Electronic Mail:

Agency Representative

Minnie Egbuonu
Overpayment Establishment Section (OES)
235 S. Grand Ave., Ste. 811
Lansing, MI 48933
MDHHS-Recoupment-Hearings@michigan.gov

DHHS

Kristina Etheridge
Calhoun County DHHS
190 E. Michigan
Battle Creek, MI 49016
MDHHS-Calhoun-Hearings@michigan.gov

Interested Parties

BSC3
B. Sanborn
MOAHR

Via First Class Mail:

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