

CHAMPAIGN COUNTY, ILLINOIS
COMMITTEE MINUTES

PUBLIC AID APPEALS COMMITTEE

Tuesday, August 8, 2006

Brookens Administrative Center, Meeting Room 2

1776 E. Washington St., Urbana

9:00 a.m.

MEMBERS PRESENT: Burnison, Schmidt, Stierwalt, Wysocki

MEMBERS ABSENT: Starwalt

OTHERS PRESENT: Trisha Crowley (City of Champaign Township Attorney), Susan McGrath (Senior Assistant State's Attorney), Kimberly Muhammad (City of Champaign Township Case Worker and Representative for the City of Champaign Township Supervisor), Appellant #01.3

CALL TO ORDER

Chair Wysocki called the meeting to order at 9:02 a.m.

ROLL CALL

The Recording Secretary called the roll. Burnison, Schmidt, Stierwalt, and Wysocki were present at the time of the roll call. Wysocki declared a quorum and proceeded with the meeting.

APPROVAL OF AGENDA/ADDENDUM

MOTION by Burnison to approve the agenda for the meeting; seconded by Schmidt. **Motion carried.**

APPROVAL OF MINUTES

MOTION by Stierwalt to approve the Public Aid Appeals Committee minutes of June 13, 2006 and June 22, 2006; seconded by Burnison. **Motion carried.**

DATE/TIME OF NEXT REGULAR MEETING

Wysocki stated the next regular Public Aid Appeals Committee meeting was scheduled for September 12, 2006 at 9:00 a.m.

PUBLIC PARTICIPATION

There was no public participation.

COMMUNICATIONS

There were no communications for the committee.

PUBLIC AID APPEAL FROM THE CITY OF CHAMPAIGN TOWNSHIP REGARDING APPELLANT #01.1

Approval of Final Decision Announced at June 22, 2006 Hearing

MOTION by Schmidt to approve the final decision regarding Appellant #01.1 as prepared by Senior Assistant State's Attorney McGrath; seconded by Burnison. **Motion carried.**

PUBLIC AID APPEAL FROM THE CITY OF CHAMPAIGN TOWNSHIP REGARDING APPELLANT #01.6

Receipt of Evidence from Appellant and Township

Appellant #01.6 did not appear at the hearing. The Recording Secretary stated a Notice of Appeal Hearing including the date and time of the hearing was sent to the appellant via certified mail. The Recording Secretary had a signed receipt verifying the appellant received the notice. Schmidt asked for an explanation of the basis for the appeal because it was not clearly stated by the appellant on the appeal form. Muhammad explained Appellant #01.6's assistance was terminated for failure to participate in Workfare. The appellant did not appear for the scheduled pre-hearing conference with the township.

Closed Session Pursuant to 5 ILCS 120/2(c) (4) to Consider Evidence or Testimony Presented in Open Hearing to This Quasi – Adjudicative Body

There was no closed session.

Announcement of Decision

MOTION by Schmidt to uphold the City of Champaign Township Supervisor's decision to terminate Appellant #01.6's general assistance benefits and enter a default decision in favor of the City of Champaign Township and against Appellant #01.6. Motion seconded by Stierwalt. **Motion carried.**

PUBLIC AID APPEAL FROM THE CITY OF CHAMPAIGN TOWNSHIP REGARDING APPELLANT #01.7

Receipt of Evidence from Appellant and Township

Appellant #01.7 did not appear at the hearing. The Recording Secretary stated a Notice of Appeal Hearing including the date and time of the hearing was sent to the appellant via certified mail. The Recording Secretary had a signed receipt verifying the appellant received the notice. Muhammad said the Appellant #01.7's assistance was terminated for failure to participate in Workfare.

Closed Session Pursuant to 5 ILCS 120/2(c) (4) to Consider Evidence or Testimony Presented in Open Hearing to This Quasi – Adjudicative Body

There was no closed session.

Announcement of Decision

MOTION by Schmidt to uphold the City of Champaign Township Supervisor's decision to terminate Appellant #01.7's general assistance benefits and enter a default decision in favor of the City of Champaign Township and against Appellant #01.7. Motion seconded by Stierwalt. **Motion carried.**

**CONTINUATION OF PUBLIC AID APPEAL FROM THE CITY OF CHAMPAIGN TOWNSHIP
REGARDING APPELLANT #01.3**

Receipt of Evidence from Appellant and Township

McGrath indicated for the record that the committee members were requested to bring the agenda and addendum packets distributed for the July 11, 2006 hearing because they contained materials relevant to this case. Wysocki issued a continuance for the July 11, 2006 hearing at the request of Appellant #01.3. Crowley asked for clarification on the number of appeals pending filed by Appellant #01.3. McGrath stated there were two appeals pending from Appellant #01.3.

City of Champaign Township's Motion to Consolidate

MOTION by Burnison to approve the motion to consolidate from the City of Champaign Township; seconded by Schmidt. **Motion carried.**

Wysocki asked if either party wished to present any other evidence regarding the consolidated appeal. The township did not have any additional evidence. Appellant #01.3 requested to submit additional evidence. Appellant #01.3 asked if the committee had a March 6th letter addressed to Wysocki from Appellant #01.3. Appellant #01.3 described the letter and the committee located it within their agenda packets.

Schmidt asked for a summary of the basis of the appeal because it was not clear from the materials presented to the committee. The committee concurred. McGrath stated there are two appeals pending concerning the termination of Appellant #01.3's general assistance benefits from the City of Champaign Township. Crowley stated both appeals are about the recoupment of money paid to Appellant #01.3 for the periods of time when benefits were continued due to a pending appeal. Appellant #01.3 spoke about prior appeals made to the committee. Crowley explained the recoupment process. The township continues benefits if a person appeals the township's decision to terminate general assistance benefits. If the appeal is denied by the Public Aid Appeals Committee, then the township can recoup the cost of the benefits that the person received during the appeal period. The City of Champaign Township paid benefits to Appellant #01.3 during the appeals process. The Public Aid Appeals Committee denied Appellant #01.3's previous appeals and upheld the township's decision, giving the township grounds to seek return of the money paid to the appellant during the appeals process. Appellant #01.3 signed a recoupment agreement with the township agreeing that the township would withhold a percentage of future benefits to until the appellant has repaid the township. Crowley stated the township has also overpaid medical benefits to Appellant #01.3, but they are not seeking to recoup this money. McGrath explained that Appellant #01.3 is contending the recoupment agreement with the township was done incorrectly and the township is attempted to recoup their money too soon. Appellant #01.3 would like the recoupment agreement he signed with the township to be overturned.

Burnison asked Appellant #01.3 to state the grounds for the consolidated appeal before the committee. Appellant #01.3 spoke about applying for social security benefits. Muhammad stated that the township is following the recoupment procedure as described in the General Assistance Manual. The committee discussed the recoupment procedure and how it applies to this case. Crowley reiterated that the township is seeking recoupment for the overpayment of general assistance benefits to Appellant #01.3, not the overpayment of medical benefits. Appellant #01.3 confirmed receipt of general assistance benefits during the process for appeals that were denied by the Public Aid Appeals Committee. The committee determined that Appellant #01.3's application for social security benefits had no bearing on the appeals before the committee.

McGrath summarized the case for the benefit of the committee and the appellant. The issue before the Public Aid Appeals Committee is whether the City of Champaign Township followed the proper procedures with regard to recoupment after the Public Aid Appeals Committee upheld the township's decisions in past appeals brought by Appellant #01.3. Appellant #01.3 continued to state that the township had made a mistake.

Wysocki ruled that the both parties had been allowed an appropriate amount of time to present their side and the committee would consider entering into closed session.

Closed Session Pursuant to 5 ILCS 120/2(c) (4) to Consider Evidence or Testimony Presented in Open Hearing to This Quasi – Adjudicative Body

MOTION by Schmidt to enter into closed session pursuant to 5 ILCS 120/2(c)(4) to consider evidence or testimony presented in open hearing to this quasi – adjudicative body. He further moved that the following individuals remain present: the Public Aid Appeals Committee members, the County’s legal counsel, and the Recording Secretary. Motion seconded by Burnison. Motion carried. Roll was called. Crowley, Muhammad, and Appellant #01.3 exited the meeting room. The committee entered into closed session at 9:58 a.m.

The committee resumed open session at 10:11 a.m.

Announcement of Decision

Crowley and Muhammad re-entered the meeting room. Appellant #01.3 was not present. Muhammad looked for Appellant #01.3 in the hallways, but Appellant #01.3 was no longer in the building. Appellant #01.3 indicated he was leaving when the committee entered into closed session.

MOTION by Burnison to accept Appellant #01.3’s motion for a continuance of the July 11, 2006 hearing for the record; seconded by Stierwalt. **Motion carried.**

MOTION by Burnison to find in favor of the City of Champaign Township based on the evidence and statutes; seconded by Schmidt. **Motion carried.**

OLD BUSINESS

There was no old business.

NEW BUSINESS

McGrath reported the Appeal Rules and Procedures of the Champaign County Public Aid Appeals Committee is on the August Policy, Personnel, & Appointments Committee agenda for consideration.

ADJOURNMENT

MOTION by Stierwalt to adjourn; seconded by Burnison. **Motion carried.** The meeting was adjourned at 10:21 a.m.

Respectfully submitted,

Kat Bork
Recording Secretary

Secy’s note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.