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IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL DISTRICT  
VERMILION COUNTY, ILLINOIS

101-7215  
**FILED** (1 pp.)

ROSIE GOUARD,

Plaintiff,

vs.

No. 93-MR-28

PHIL BRADLEY, Director, Illinois  
Department of Public Aid; and ILLINOIS  
DEPARTMENT OF PUBLIC AID,

Defendants.

MAR 22 1996  
CIRCUIT COURT  
Sally Armes CLERK  
VERMILION COUNTY, ILL.

JUDGMENT

This cause having come up for hearing, and the Court having considered the record of the proceedings below, the written memoranda and the oral arguments of counsel, the Court HEREBY FINDS AS FOLLOWS:

1. The admission of hearsay evidence at the hearing below constituted harmless error.
2. The findings below were not contrary to the manifest weight of the evidence.

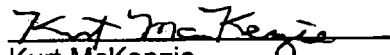
3. Under Pearce Hosoyal Foundation v. Illinois Public Aid Commission, 15 Ill. 2d 301, 154 N.E.2d 691 (1958), Public Aid must **have** explicit statutory authority to modify a final administrative decision. Since Public Aid sent Plaintiff a notice of overpayment and demand letter informing her that the overpayment was due to an inadvertant error or misunderstanding on her part, and since that demand letter advised Plaintiff that she had ninety days to appeal the decision, and since Plaintiff did not appeal, then that decision became final. Later charging Plaintiff with an Intentional Program Violation based on the **same** evidence as was used to find inadvertent household error modified that final decision. Since Public Aid has no statutory authority to modify the prior final decision, Public Aid is therefore estopped from charging Plaintiff with an Intentional Program Violation.

WHEREFORE, the Court HEREBY REVERSES THE FINAL ADMINISTRATIVE DECISION  
~~ and-enters judgment in favor of the Plaintiff and against the Defendants.

ENTERED this & day of - 1 9 9 6 .

 **~LIL+**  
JudH James K. Borbely

Approved as to form:

  
Kurt McKenzie  
Assistant Attorney General  
Attorney for Defendants