

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201042749
Issue No: 3052
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 4, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R 400.3130, and MAC R 400.3178 upon the Department of Human Services (department) request for a disqualification hearing. After due notice, a telephone hearing was held on Thursday, November 4, 2010. Respondent did not appear at the hearing and it was held in respondent's absence pursuant to 7 CFR 273.16(e), MAC R 400.3130(5), or MAC R 400.3187(5).

ISSUE

Whether respondent committed an Intentional Program Violation (IPV) and whether respondent received an overissuance of benefits that the department is entitled to recoup?

FINDINGS OF FACT

The Administrative Law Judge, based upon the clear and convincing evidence on the whole record, finds as material fact:

1. The department's Office of Inspector General (OIG) filed a hearing request to establish an overissuance of benefits received by respondent as a result of respondent having committed an Intentional Program Violation (IPV); the OIG also requested that respondent be disqualified from receiving program benefits.

2. Respondent was a recipient of FAP benefits during the period of July 1, 2004 through January 2006 and March 1, 2006 through March 31, 2008. Respondent was aware of the responsibility to report all employment and income to the department.
3. Respondent has no apparent physical or mental impairment that would limit the understanding or ability to fulfill the income reporting responsibilities. The respondent signed an application dated February 9, 2005 Department Exhibit 28-34.
4. Respondent has no apparent physical or mental impairment that would limit the understanding or ability to fulfill the income reporting responsibilities.
5. Respondent did not fully report all employment and income to the department. The respondent did not report two additional jobs of [REDACTED] [REDACTED] [REDACTED] [REDACTED] from January 1, 2004 through December 31, 2005 and [REDACTED] from June 7, 2004 through September 27, 2004. Department Exhibit 21-23 and 25-27
6. As a result of the failure to report all required employment and income, respondent committed an IPV and received an overissuance of benefits. The respondent received an overissuance of FAP benefits in the amount of \$1,515. Department Exhibit 35-74
7. This was respondent's first intentional program violation.
8. A Notice of Disqualification Hearing was mailed to respondent at the last known address and was not returned by the U.S. Post Office as undeliverable. Respondent's last known address is: [REDACTED], [REDACTED].

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In this case, the department has requested a disqualification hearing to establish an overissuance of benefits as a result of an IPV and the department has asked that respondent be disqualified from receiving benefits.

In this case, the department has established that respondent was aware of the responsibility to report all income and employment to the department. Respondent has no apparent physical or mental impairment that limits the understanding or ability to fulfill the reporting responsibilities.

As a result of the failure to report all income, respondent committed an IPV and received an overissuance which the department is entitled to recoup in the amount of \$1,515.

As a result of the IPV, the department properly requested that respondent be disqualified from participation in the FIP and FAP programs for a period of one year.

DECISION AND ORDER

The Administrative Law Judge, based upon the clear and convincing evidence, decides Respondent committed an Intentional Program Violation of the FAP program and the department is entitled to recoup the overissuance of \$1,515.

Accordingly, the respondent is disqualified from participation in the FIP and FAP programs for a period of one year.

The department is entitled to recoup the overissuance of benefits respondent ineligibly received. Respondent is ORDERED to reimburse the department for the overissuance.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 12, 2010

Date Mailed: November 12, 2010

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

CGF/vc

cc: 