

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],  
Claimant

Reg. No: 2010-14855  
Issue No: 3014, 3055  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
February 10, 2010  
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on February 10, 2010. Claimant personally appeared and testified along with her daughter [REDACTED]

ISSUE

Did the department correctly disqualify the claimant from receiving Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. Claimant was a FAP recipient when the department determined that she committed an Intentional Program Violation (IPV) and was therefore overissued \$325 in FAP benefits from February 1, 2008 to April 30, 2008.

2. Claimant was seen by an agent from Office of Inspector General (OIG) and signed the Intentional Program Violation Repayment Agreement, DHS-4350, and Disqualification Consent Agreement, DHS-830, on October 29, 2009, acknowledging she failed to report employment of her household member.

3. Claimant requested a hearing on December 16, 2009.

### 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case department alleged that the claimant committed an IPV by not reporting her household member's employment. Claimant signed DHS-4350 and DHS-830 agreeing that she indeed committed an IPV of the FAP, and also agreeing to repay back the overissuance that occurred as a result of the IPV, on October 29, 2009. Claimant now states that she did not understand the paperwork she was signing. Claimant does speak Spanish, but she also speaks English very well, as evidenced by her eloquent presentation during the hearing. Claimant has also committed a previous IPV and was on an IPV sanction of the FAP from July 1, 2005 to June 30, 2006. Therefore, claimant's testimony that she did not understand the forms she was signing is not credible.

Departmental policy states that an active or inactive FAP recipient who has signed a DHS-830 is to be disqualified from FAP. BAM 720. Claimant has done so and department correctly disqualified her from the FAP benefit receipt.

Claimant also stated that the OIG agent told her she would go after her for the IPV and overissuance even if she did not sign the forms. This statement is true and in accordance with departmental policy that requires department pursue benefit overissuances, be they IPV, department or client errors. BAM 700. Claimant further stated that the OIG agent told her there would be no jail time for this overissuance. This statement is also true as it is highly unlikely that the claimant would be jailed over \$325 FAP overissuance. It is noted that claimant's hearing testimony about what she was told by the OIG agent further shows that she understood the purpose of her meeting with the agent, and also the forms that she was signing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly disqualified the claimant from receiving FAP benefits.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ \_\_\_\_\_  
Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: April 13, 2010

Date Mailed: April 14, 2010

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

cc:

