

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

IN THE MATTER OF:



Reg. No: 201042763
Issue No: 3052; 1052
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 . 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 & FIP benefits during the period of November 1, 2003 through November 30, 2004. 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 July 21, 2003, Department Exhibit 20-27; July 21, 2004, Department Exhibit 28-35; and November 16, 2005, Department Exhibit 36-43.
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 that one of her children's father was in the household and whose income was required to be counted in the household group composition.
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 \$2,748 and FIP benefits in the amount of \$5,800. Department Exhibit 49-102
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].

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 established that respondent was aware of the responsibility to report all income and employment to the department. Respondent has no 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 amounts of FAP, \$2,784 and FIP, \$5,800.

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 FIP and FAP programs and the department is entitled to recoup the overissuance of FAP, \$2,784 and FIP, \$5,800.

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

201042763/CFG

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:

