

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

IN THE MATTER OF:

[REDACTED]

Reg No. 201051139
201029514
Issue No. 3052; 3055
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: November 15, 2010
Calhoun 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 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on Tuesday, November 16, 2010. The claimant personally appeared and testified with her daughter [REDACTED] as a witness.

ISSUE

Did the department properly determine that the claimant had an overissuance or an intentional program violation (IPV) of the Food Assistance Program (FAP) even though the claimant's case was targeted by the BRIDGES system with computer initiated changes that resulted in changes in income and members of the household composition that resulted in several help desk tickets?

FINDINGS OF FACT

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

1. The claimant was a recipient of FAP benefits.
2. The claimant began to have issues with BRIDGES and also had family members leaving with changes in household income beginning in January 2009.
3. The claimant was sent to the Office of Inspector General (OIG) for an alleged IPV from January 2009 to September 2009.

4. The claimant was charged with an overissuance from October 2009 to March 2010 of [REDACTED] that the department is required to recoup based on policy.
5. On March 29, 2010, the department receiving a hearing request from the claimant, contesting the department's negative action.
6. On July 23, 2010, the department received in another hearing request from the claimant, contesting the department's negative action.
7. During the hearing, the claimant stated her alleged IPV was dismissed, but no paperwork was provided during the hearing.
8. During the hearing, the claimant testified that during her last hearing that she was advised that she would receive an overissuance and that she never received within 7 days after signing a withdrawal from the hearing and now she is being charged with an alleged IPV and a recoupment.

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 the instant case, the claimant was a recipient of FAP benefits. The claimant had some changes in her household composition of members in and out of the household with increases in income and decreases of income when family members left the household. In addition, BRIDGES was arbitrarily deleting family members and/or not counting their income. These instances continued from January 2009 to March 2010.

For January 2009 to September 2009, the department submitted the claimant for an alleged intentional program violation and for October 2009 to March 2010 a recoupment. This Administrative Law Judge is uncomfortable addressing the recoupment, with the alleged IPV also not being addressed for the same time period because the BRIDGES system was an issue for both time periods. The department should consider the whole time period of January 1, 2009 to March 31, 2010 in determining whether or not the claimant has an alleged IPV or should be eligible for a recoupment.

Therefore, this Administrative Law Judge has determined that the department has not established by the necessary, competent, material, and substantial evidence that it was acting in compliance when it determined that the claimant was submitted for an alleged IPV for January 2009 through September 2009 and an overissuance for October 2009 to March 2010 because the claimant was having an issue with BRIDGES removing and adding household members and income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department was not acting in compliance with department policy with it determined that the claimant had an alleged IPV from January 2009 to September 2009 and an overissuance from October 2009 to March 2010.

Accordingly, the department's action is **REVERSED** and the department is Ordered to redetermine the claimant's eligibility for FAP benefits from January 1, 2009 to March 31, 2010 because that is the contested time period that is in question and it should be treated as one case not separated into two cases, If the department determines that the claimant was issued an overissuance, then recoupment should occur based on policy. However, if the department receives that the claimant is entitled to an issuance of benefits, then the department should allocate the necessary funds.

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

Date Signed: December 6, 2010

Date Mailed: December 6, 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 90 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CGF / vc

cc:

