

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Registration No: 201144168  
Issue No: 3055  
Case No: [REDACTED]  
Hearing Date: October 20, 2011  
Genesee County DHS

**Administrative Law Judge:** Corey A. Arendt

**HEARING DECISION**

This matter is before me in accordance with 7 CFR 273.16, MCL 400.9, MCL 400.37, and 1999 AC, R 400.3130, on the Department of Human Services' (the Department's) request for hearing. After due notice, a hearing was held on October 20, 2011, at which Respondent failed to appear. The hearing was held in Respondent's absence in accordance with Bridges Administrative Manual (BAM) 720, pp 9-10. The Department was represented by the Office of Inspector General (OIG).

**ISSUE**

In dispute is whether Respondent committed an intentional program violation (IPV) involving Child Development and Care (CDC), thereby receiving an overissuance of benefits that the Department is entitled to recoup.

**FINDINGS OF FACT**

Based on the clear and convincing evidence pertaining to the whole record, the Administrative Law Judge finds as material fact:

1. The Department's OIG filed a request for hearing to establish an overissuance of CDC benefits received as a result of a determination that Respondent committed an IPV.
2. On November 3, 2008, the Respondent signed an assistance application (DHS-1171). The application indicated, household member [REDACTED] provided CDC care. (Department Exhibit 1)
3. On May 20, 2009, Respondent submitted a CDC Provider Verification claiming [REDACTED] was providing CDC care. (Department Exhibit 3)

4. On May 21, 2009, Patricia Walker told the Department she was not a child care provider. (Department Exhibit 2)
5. On June 1, 2009, the Department interviewed [REDACTED]. During the interview, [REDACTED] said she had never watched the Respondent's children and never signed anything to be a provider. (Department Exhibit 4)
6. From October 26, 2008 through May 23, 2009, Respondent received CDC benefits in the amount of [REDACTED].
7. Respondent acknowledged she understood her failure to give timely, truthful, complete, and accurate information about her circumstances could result in a civil or criminal action, or an administrative claim, against her. (Department's Exhibit 1)
8. There was no apparent physical or mental impairment present that limited Respondent's ability to understand and comply with her reporting responsibilities.
9. This was the first determined IPV committed by Respondent.

### **CONCLUSIONS OF LAW**

The CDC program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACRS R 400.5001-5015.

In the present matter, the Department requested a hearing to establish an overissuance of CDC benefits, claiming that the overissuance was a result of an IPV committed by Respondent.

Here, the OIG presented unequivocal evidence that Respondent did not have an eligible provider to provide care for her children and that the Respondent submitted falsified documents to obtain CDC benefits.

When a client or group receives more benefits than they are entitled to receive, the Department must attempt to recoup the overissuance. BAM 700, p 1. A suspected IPV is defined as an overissuance where:

- The client intentionally failed to report information or intentionally gave incomplete or inaccurate

information needed to make a correct benefit determination, and

- The client was clearly and correctly instructed regarding his or her reporting responsibilities, and
- The client has no apparent physical or mental impairment that limits his or her understanding or ability to fulfill their reporting responsibilities. [BAM 720, p 1.]

An IPV is suspected by the Department when a client intentionally withheld or misrepresented information for the purpose of establishing, maintaining, increasing, or preventing a reduction of, program eligibility or benefits. BAM 720, p 1. In bringing an IPV action, the agency carries the burden of establishing the violation with clear and convincing evidence. BAM 720, p 1.

Based on the credible testimony and other evidence presented, I have concluded the OIG established, under the clear and convincing standard, that Respondent committed an IPV in this matter, resulting in an overissuance of CDC benefits between the period of October 26 2008 through May 23, 2009, in an amount of \$6,315.36.

### **DECISION AND ORDER**

Based on the above findings of fact and conclusions of law, I find Respondent committed an intentional program violation.

It is therefore ORDERED:

1. Respondent shall reimburse the Department for the CDC benefits ineligibly received as a result of his IPV in the amount of [REDACTED].

/s/

Corey A. Arendt  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: October 24, 2011

Date Mailed: October 26, 2011

2011-44168/CAA

NOTICE: Respondent may appeal this decision and order to the circuit court for the county in which he / she resides within 30 days of receipt of this decision and order.

CAA/cr

cc:

