

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

IN THE MATTER OF:



Reg. No. 2011-9004
Issue No. 3055
Case No. [REDACTED]
Hearing Date: July 20, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Department of Human Services' (Department) Office of Inspector General's (OIG) request for a hearing. After due notice, a telephone hearing was held on July 20, 2011 in Detroit, Michigan. The OIG was represented by [REDACTED]. 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).

ISSUES

Did the Respondent commit an Intentional Program Violation (IPV)?

Did Respondent receive an overissuance of benefits that the Department is entitled to recoup?

FINDINGS OF FACT

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

1. The Department's OIG filed a hearing request to establish an overissuance of benefits received by Respondent as a result of Respondent having committed an IPV. The OIG also requested that Respondent be disqualified from receiving program benefits.
2. Respondent was a recipient of Food Assistance Program (FAP) benefits during the period from February 2010 through July 2010.

3. Respondent was aware of the responsibility to report all household changes, and had no apparent physical or mental impairment that would limit the understanding or ability to fulfill this requirement.
4. Respondent did not comply with FAP requirement and intentionally gave incomplete or inaccurate information regarding her out-of-state residency for the purpose of receiving benefits to which Respondent was not entitled.
5. As a result, Respondent received overissuances in the amount of \$1,200.00 under FAP.
6. The Department has established that Respondent committed an IPV.
7. This was Respondent's first IPV.

CONCLUSIONS OF LAW

FAP 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 administers the FAP program pursuant to CML 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,) which includes the Reference Tables (RFT).

When a client group receives more benefits than it is entitled to receive, DHS must attempt to recoup the overissuance (OI). BAM, Item 700, p. 1.

Suspected IPV means an OI exists for which all three of the following conditions exist:

- 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.

IPV is suspected when there is clear and convincing evidence that the client has intentionally withheld or misrepresented information for the purpose of establishing, maintaining, increasing or preventing reduction of program benefits or eligibility. BAM, Item 720, p. 1.

The following disqualification periods to recipients determined to have committed IPV are applied:

- One year for the first IPV
- Two years for the second IPV
- Lifetime for the third IPV
- Ten years for concurrent receipt of benefits

BAM 720, p.13

In the present case, the Department has established that Respondent was aware of the responsibility to report complete and accurate information regarding household changes and had no apparent limitations to fulfilling this requirement. Respondent signed an application for assistance, and by doing so acknowledged receiving a booklet which enumerated said responsibility. Respondent failed to comply with requirements to report completely and accurately information regarding her change of residence to [REDACTED]. As a result, Respondent committed an IPV and was overissued FAP benefits. Under the aforementioned policy, Respondent is to be disqualified from FAP for a period of twelve months.

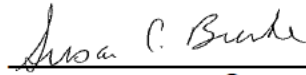
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Respondent committed an IPV with regard to FAP and received overissuances in program benefits. It is ORDERED:

1. The Department shall disqualify Respondent from FAP for a period of twelve months.

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2. The Department shall recoup from Respondent for over issuances in FAP benefits in the amount of \$1,200.00.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: July 26, 2011

Date Mailed: July 26, 2011

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.

SB/cl

cc:

