

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201144830
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: September 28, 2011
County: Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on September 28, 2011, in Lansing, Michigan. Participants on behalf of Claimant included William C. Holmes L.M.S.W. Participants on behalf of the Department of Human Services (Department) included Carol Heinz.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, 1999 AC, R 400.901 through Rule 400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance. Rule 400.903(1). A request for hearing shall be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1).

The Bridges Administrative Manual (BAM) 600, p. 4, provides in relevant part as follows:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

As a result I lack the necessary jurisdiction to decide any argument regarding the validity of the June 23, 2006 Intentional Program Violation Repayment Agreement and Request for Waiver of Disqualification Hearing forms.

ISSUE

Has the Claimant repaid the full overpayment of [REDACTED] as agreed to in accordance with a June 23, 2006 Intentional Program Violation Repayment Agreement?

FINDINGS OF FACT

I find as material fact, based on the competent, material, and substantial evidence on the whole record:

1. On June 23, 2006, the Claimant signed an Intentional Program Violation Repayment Agreement and Waiver of Disqualification Hearing form. (Department Exhibits 2-5).
2. From July 2006 through July 2007, the Claimant served a one year disqualification in accordance with the June 23, 2006 Waiver of Disqualification Hearing form. (Department Exhibits 4, 5).
3. As of July 26, 2011, the Claimant still owed [REDACTED] to the Department.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The Claimant argues the benefits she would have received had there not been a one year disqualification period should be allocated to the amount she owes and therefore the amount owed should be fully repaid.

However there are two separate components to the penalties imposed. The first part is the disqualification year itself and the second part being the recoupment amount. The two are not intermingled or combined.

Based on the evidence and testimony provided, the Claimant has fulfilled the one year disqualification period but there remains an amount still due to the Department in accordance with the Repayment Agreement.

Therefore, I affirm the Department's actions.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated the Department did act in accordance with the applicable Department policies and procedures.

