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

IN THE MATTER OF:		Reg. No: Issue No:	201240048 3055	
		Case No: Hearing Date: Wayne County	June 5, 2012	
ADMINISTRATIVE LAW JUDGE: Kevin Scully				
<u>HE</u>	ARING DECISION FOR INTENTIONAL	. PROGRAM VIC	<u>DLATION</u>	
and MCL 400 hearing. After from Lansing	s before the undersigned Administrative 0.37 upon the Department of Human S er due notice, a telephone hearing way, Michigan. The Department was repector General (OIG).	ervices' (Departr is held on Tu <u>esc</u>	ment) request for a	
	ent did not appear at the hearing and it CFR 273.16(e), Mich Admin Code R 4			
	ISSUES			
1.	Did Respondent receive an overissuan Program (FIP),  Food Assistance F Assistance (SDA),  Child Development the Department is entitled to recoup?	Program (FAP),	State Disability	
2.	Did Respondent commit an Intentional	Program Violatio	n (IPV)?	
3.	Should Respondent be disqualified Independence Program (FIP), State Disability Assistance (SDA), [CDC)?	ed from receiod Assistance F Child Develo	Program (FAP),	
	FINDINGS OF FAC	<u>:T</u>		
The Adminis	trative Law Judge, based on the co	mpetent, materia	al, and substantial	

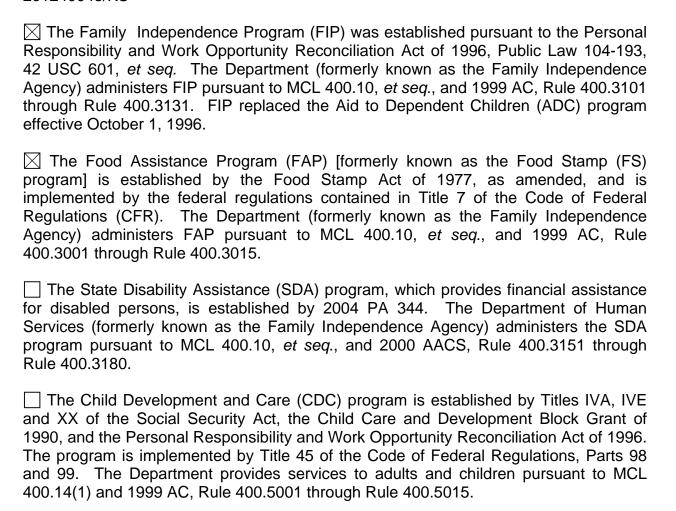
1. The Department's OIG filed a hearing request on January 31, 2012 to establish an OI of benefits received by Respondent as a result of Respondent having allegedly committed an IPV.

evidence on the whole record, finds as material fact:

2.	The OIG $\boxtimes$ has $\square$ has not requested that Respondent be disqualified from receiving program benefits.
3.	Respondent was a recipient of $\boxtimes$ FIP $\boxtimes$ FAP $\square$ SDA $\square$ CDC benefits during the period of April 1, 2007, through July 31, 2007.
4.	Respondent $\boxtimes$ was $\square$ was not aware of the responsibility to report any change of residency to the Department.
5.	Respondent had no apparent physical or mental impairment that would limit the understanding or ability to fulfill this requirement.
6.	The Department's OIG indicates that the time period they are considering the fraud period is April 1, 2007, through July 31, 2007.
7.	During the alleged fraud period, Respondent was issued in $\boxtimes$ FIP $\square$ FAP $\square$ SDA $\square$ CDC benefits from the State of Michigan.
8.	During the alleged fraud period, Respondent was issued in ☐ FIP ☐ FAP ☐ SDA ☐ CDC benefits from the State of Michigan.
9.	Respondent was entitled to \$0 in $\boxtimes$ FIP $\ \square$ FAP $\ \square$ SDA $\ \square$ CDC during this time period.
10.	Respondent was entitled to \$0 in $\Box$ FIP $\boxtimes$ FAP $\Box$ SDA $\Box$ CDC during this time period.
11.	Respondent $\boxtimes$ did $\square$ did not receive an OI in the amount of \$452 under the $\boxtimes$ FIP $\square$ FAP $\square$ SDA $\square$ CDC program.
12.	Respondent $\boxtimes$ did $\square$ did not receive an OI in the amount of \$852 under the $\square$ FIP $\boxtimes$ FAP $\square$ SDA $\square$ CDC program.
13.	The Department $\boxtimes$ has $\square$ has not established that Respondent committed an IPV.
14.	This was Respondent's ⊠ first ☐ second ☐ third IPV.
15.	A notice of disqualification hearing was mailed to Respondent at the last known address and $\square$ was $\boxtimes$ was not returned by the US Post Office as undeliverable.

# **CONCLUSIONS OF LAW**

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



When a client group receives more benefits than they are entitled to receive, the Department must attempt to recoup the OI. BAM 700.

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 720.

The Department's OIG requests IPV hearings for cases when:

- benefit overissuances are not forwarded to the prosecutor,
- prosecution of welfare fraud is declined by the prosecutor for a reason other than lack of evidence, and
- the total overissuance amount is or more, or
- the total overissuance amount is less than
  - the group has a previous intentional program violation, or
  - the alleged IPV involves FAP trafficking, or
  - the alleged fraud involves concurrent receipt of assistance.
  - the alleged fraud is committed by a state/government employee.

A court or hearing decision that finds a client committed an IPV disqualifies that client from receiving program benefits. A disqualified recipient remains a member of an active group as long as he lives with them. Other eligible group members may continue to receive benefits. BAM 720.

Clients who commit an IPV are disqualified for a standard disqualification period except when a court orders a different period. Clients are disqualified for periods of one year for the first IPV, two years for the second IPV, lifetime disqualification for the third IPV, and ten years for a concurrent receipt of benefits. BAM 720.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, concludes that:

1.	Respondent 🖂 did 🗌 did not commit an IPV.
2.	Respondent  did did not receive an OI of program benefits in the amount of from the following program(s)  FIP FAP SDA
3.	Respondent $\boxtimes$ did $\square$ did not receive an OI of program benefits in the amount of from the following program(s) $\square$ FIP $\boxtimes$ FAP $\square$ SDA $\square$ CDC.

☐ The Department is ORDERED to initiate recoupment procedures for the amount of in accordance with Department policy.
☑ It is FURTHER ORDERED that Respondent be disqualified from ☑ FIP ☑ FAP ☐ SDA ☐ CDC for a period of ☑ 12 months. ☐ 24 months. ☐ lifetime.
/s/ Kevin Scully Administrative Law Judge for Maura Corrigan, Director Department of Human Services
Date Signed: June 6, 2012
Date Mailed: June 6, 2012
<b>NOTICE</b> : 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.
KS/tb
cc: