

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

IN THE MATTER OF:



Reg. No.: 2013 25415
Issue No.: 3019
Case No.: [REDACTED]
Hearing Date: March 7, 2013
County: Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge 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 March 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] ES.

ISSUE

Did the Department properly close the Claimant's FAP case after Claimant signed a Disqualification Consent Agreement and Intentional Program Violation Repayment Agreement?

FINDINGS OF FACT

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

1. The Department issued a Notice of Case Action on January 8, 2013 closing the claimant's Food Assistance case effective February 1, 2013. The reason for the intended action was group member has an Intentional Program Violation disqualification. The group member has been previously notified of this information. Exhibit 1
2. The Department issued an Intentional Program Violation Client Notice on January 8, 2013 which advised Claimant that her food assistance benefits were

cancelled effective February 1, 2013. The Notice also provided that the reason for the action is checked, indicating you agreed to this disqualification and/or repayment by signing an agreement to waive prosecution or an administrative disqualification hearing. The overissuance occurred during the period(s) 4-2011 thru 2-2012. You must repay the Food Assistance overissuance of \$250,000. Exhibit 2.

3. The Claimant signed an Intentional Program Violation Repayment Agreement on December 20, 2012 and agreed to repay the overissuance on the 15th of each month in monthly cash payments of \$50 per month.
4. The Claimant also signed a Disqualification Consent Agreement dated 12/20/12 agreeing to a one year disqualification.
5. At the hearing the Claimant testified that she was not told that she had to sign the agreement and was not coerced into signing the agreement.
6. The Claimant requested a hearing on January 11, 2013 protesting the closure of her food assistance case stating in part that she did not have her glasses, however when I got home and read the papers I didn't willfully defraud the food stamp program.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency)

Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACRS, R 400.3151 through R 400.3180.

The Child Development and Care (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 Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, at the hearing the Claimant confirmed that she signed the documents agreeing to the one year disqualification from the Food Assistance Program and an agreement to repay a \$250 overissuance of Food Assistance benefits. The Claimant also understood that the issue involved whether or not she had trafficked her Food Assistance benefits. The Claimant also credibly testified that the OIG agent that she met with did not tell her she had to sign the documents and she was not coerced to sign the documents. Based upon the Claimant's sworn testimony it is determined that the Claimant signed the documents of her own free will. The Claimant signed the documents in two places and initialled the documents without first reading the documents with her reading glasses. Under these circumstances it is determined that the Claimant signed the document at her own peril and thus is bound by her agreements. The Department's action in this case was based on the Claimant's agreements and thus the Department properly closed the Claimant's Food Assistance case.

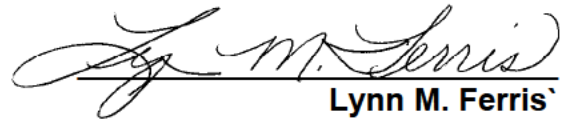
DECISION AND ORDER

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

did act properly when it closed the Claimant's Food Assistance for one year when the Claimant signed a Disqualification Consent Agreement.

did not act properly when

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 12, 2013

Date Mailed: March 12, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc:

