

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

IN THE MATTER OF:



Registration No: 2013-17343
Issue No: 6052
Case No: [REDACTED]
Hearing Date: March 20, 2013
Muskegon County DHS

Administrative Law Judge: Corey A. Arendt

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) request for a hearing. After due notice, a telephone hearing was held on March 20, 2013 from Lansing, Michigan. The Department was represented by [REDACTED] [REDACTED] of the Office of Inspector General (OIG).

Respondent did not appear at the hearing and it was held in Respondent's absence pursuant to 7 CFR 273.16(e), Mich Admin Code R 400.3130(5), or Mich Admin Code R 400.3187(5).

ISSUE

In dispute is whether Respondent committed an intentional program violation (IPV) involving Child Development and Care (CDC) benefits, Food Assistance Program (FAP) benefits and Family Independence Program (FIP) benefits, 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 hearing request on December 17, 2012 to establish an OI of benefits received by Respondent as a result of Respondent having allegedly committed an IPV.
2. The OIG has has not requested that Respondent be disqualified from receiving program benefits.
3. Respondent was a recipient of FIP FAP SDA CDC benefits during the period of December 1, 2009 through April 30, 2010.

4. Respondent was was not aware of the responsibility to report all changes within 10 days.
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 December 1, 2009 through April 30, 2010.
7. The Department has has not established that Respondent committed an IPV.
8. A notice of disqualification hearing was mailed to Respondent at the last known address and was 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).

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 AACSR 400.5001-5015.

The 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, Rule 400.3001 through Rule 400.3015.

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department administers the FIP program pursuant to MCL 400.10, *et seq.*, and MACR 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the BAM, BEM and the BRM.

In the present matter, the Department requested a hearing to establish an overissuance of CDC, FAP and FIP benefits, claiming that the overissuance was a result of an IPV committed by Respondent. Specifically that the Respondent failed to provide CDC payments to the CDC provider.

The Department however failed to present any evidence to indicate that the Respondent failed to provide the CDC Provider with the CDC payments. Therefore, I cannot

possibly find based upon clear and convincing evidence that the Respondent committed an intentional program violation.

DECISION AND ORDER

I cannot determine, based upon the above findings of fact and conclusions of law, by clear and convincing evidence that the respondent has committed an intentional program violation of the CDC, FAP or FIP programs.

Accordingly, this matter is **DISMISSED** without prejudice.



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

Department
Date Signed: March 21, 2013

Date Mailed: March 21, 2013

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/las

cc:

