

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

**IN THE MATTER OF:**



Reg. No.: 14-015927  
Issue No.: 3005, 3000  
Case No.: [REDACTED]  
Hearing Date: April 9, 2015  
County: MARQUETTE

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**ORDER OF DISMISSAL  
FOR LACK OF JURISDICTION**

Upon the request for a hearing by the Department of Human Services (Department), this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, and in accordance with Titles 7, 42 and 45 of the Code of Federal Regulation (CFR), particularly 7 CFR 273.16, and with Mich Admin Code, R 400.3130 and R 400.3178. After due notice, a telephone hearing was held on April 9, 2015, from Lansing, Michigan. The Department was represented by [REDACTED], Regulation Agent 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 400.3178(5). The Notice of Disqualification Hearing (MAHS-827) was sent to Respondent and was not returned.

Prior to October 1, 2014, Bridges Administration Manual (BAM) 720 Intentional Program Violation (IPV) stated that the Department's OIG requests IPV hearings for the following cases:

Prosecution of welfare fraud or FAP trafficking is declined by the prosecutor for a reason other than lack of evidence, **and**

The total amount for the FIP, SDA, CDC, MA and FAP programs combined is \$1,000 or more, **or**

The total OI amount is less than \$1,000, **and**

The group has a previous IPV, **or**

The alleged IPV involves FAP trafficking, **or**

The alleged fraud involves concurrent receipt of assistance (see BEM 222), **or**

The alleged fraud is committed by a state/government employee.  
BAM 720, p 12 (5/1/2014).

The alleged over-issuance period in this case is September 1, 2013, through December 31, 2013. The alleged overissuance amount is \$ [REDACTED]. There is no language in BAM 720 or any other policy that directs the new reduced threshold of \$500.00 to be applied retroactively. The current \$500.00 threshold of BAM 720 is not applicable to any IPV over-issuance period prior to October 1, 2014. Therefore, this hearing request is **DISMISSED** for lack of jurisdiction.

**IT IS SO ORDERED.**



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**Aaron McClintic**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: **4/9/2015**

Date Mailed: **4/9/2015**

AM/jaf

**NOTICE:** The law provides that within 30 days of receipt of the above Hearing Decision, the Respondent may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County.

cc:

