

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-000382
Agency Case No.: [REDACTED]
Hearing Date: 6/11/2015
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE/MANAGER: J. W. Owens

**ORDER DENYING REQUEST TO VACATE HEARING DECISION
FOR INTENTIONAL PROGRAM VIOLATION**

This matter is before the undersigned Administrative Law Judge/Manager pursuant to MCL 400.9 and MCL 400.37; 7 CFR 273.16; and Mich Admin Code, R 400.3178 upon the Department of Health and Human Services' (Department) request for a disqualification hearing concerning an alleged Intentional Program Violation (IPV). The Michigan Administrative Hearing System (MAHS) sent proper notice of the hearing to all parties on May 8, 2015. The hearing was scheduled as a telephone hearing to be conducted on June 11, 2015, from Detroit, Michigan.

For the June 11, 2015, telephone hearing, the Department was represented by the Office of Inspector General (OIG). The hearing was held in Respondent's absence pursuant to 7 CFR 273.16(e), or Mich Admin Code R 792.11005.

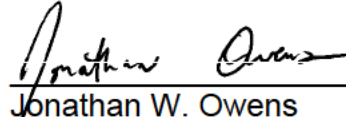
On June 16, 2015, the assigned Administrative Law Judge (ALJ) issued a Hearing Decision which found the following: Respondent committed an IPV resulting in a \$ [REDACTED] overissuance (OI) of Food Assistance Program (FAP) benefits; Respondent was disqualified from receiving FAP benefits for 12 months; and the Department may recoup the \$ [REDACTED] FAP OI.

7 CFR 273.16(e) provides, in pertinent part:

If the household member or its representative cannot be located or fails to appear at a hearing initiated by the State agency without good cause, the hearing shall be conducted without the household member being represented. . . . If the household member is found to have committed an intentional Program violation but a hearing official later determines that the household member or representative had good cause for not appearing, the previous decision shall no longer remain valid and the State agency shall conduct a new hearing.

In the instant case, MAHS properly mailed notice of the IPV hearing proceedings to Respondent at his last known address. The Notice of Hearing was not returned as undeliverable. Respondent failed to participate in the IPV hearing, which resulted in a decision against him. The Respondent has not shown good cause for his failure to appear or participate in the telephone IPV hearing. The undersigned finds that there is no good cause to set aside or vacate the Hearing Decision and Order in this matter.

Accordingly, Respondent's Request to Vacate Hearing Decision For Intentional Program Violation under MAHS Reg. No. 15-000382 dated June 16, 2015, is **DENIED**.



Jonathan W. Owens
Administrative Law Judge/Manager
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **7/24/2015**

JWO/jaf

cc:

