

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-000301
Issue No.: 3005
Case No.: [REDACTED]
Hearing Date: April 09, 2015
County: Isabella

ADMINISTRATIVE LAW JUDGE: Gary Heisler

ORDER OF DISMISSAL

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 Regulation Agent [REDACTED] of the Office of Inspector General (OIG). Respondent did not appear at the hearing. The Notice of Disqualification Hearing (MAHS-827) sent to Respondent was not returned as undeliverable. In accordance with 7 CFR 273.16(e), Mich Admin Code R 400.3130(5), or Mich Admin Code R 400.3178(5), and Bridges Administration Manual (BAM) 720 the hearing proceeded in Respondent's absence.

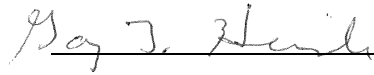
Review of the evidence submitted by the Department showed it was insufficient to establish an Intentional Program Violation (IPV). The Department submitted an Assistance Application (DHS-1171) submitted by Respondent on October 6, 2011. The application states that her household member [REDACTED], the father of Respondent's children, received \$ [REDACTED] per month of per capita payments from the [REDACTED]. (Page 25)

In October 2012, an over-issuance referral was submitted alleging that [REDACTED] had received a significant increase of per capita payments in April 2012 and not reported it. (Page 37) The Department has submitted records of [REDACTED] per capita distributions on April 20, 2012 and September 7, 2012. (Pages 38 & 39) The records show that [REDACTED] received a 40% distribution of \$ [REDACTED] on each of those dates. Page 40 is a September 13, 2010 letter from the [REDACTED] Per Capita Department. The letter describes the timing and amount of reductions that will be made in per capita payments over a two year period. For a 40% graduated adult member the payment was \$ [REDACTED] in October 2010, \$ [REDACTED] in April 2011, \$ [REDACTED] in October 2011 and \$ [REDACTED] in April 2012.

Page 41 is a table showing the reductions of all adult per capita and graduated plans. Notes written on the table indicate that in April 2011 [REDACTED] was receiving distributions of \$ [REDACTED] as a 20% graduated adult and that beginning April 2012 he was receiving \$ [REDACTED] distributions as a 40% graduated adult. There is no evidence in the record which gives any information on what criteria determines the different graduated adult categories or whether it is possible to change from one graduated category to another.

There is no evidence in the record that shows the amount of distribution stated in the October 6, 2011 application was ever verified as correct. This record does not constitute clear and convincing evidence that [REDACTED] began receiving an increase in per capita distributions in April 2012. Therefore, this hearing request is **DISMISSED**.

It is so **ORDERED**.



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/1/2015**

Date Mailed: **5/1/2015**

GH/las

NOTICE: The law provides that within 30 days of receipt of the above Order, the Respondent may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

cc:

