

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-005042
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: SAGINAW

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 [REDACTED], from Detroit, 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).

On [REDACTED], a hearing was requested by the Department regarding an Intentional Program Violation (IPV). Shortly after commencement of the hearing, it was discovered that the Department improperly requested an IPV hearing.

The Department's OIG requests IPV hearings for the following cases:

- Food Assistance Program (FAP) trafficking overissuances (OIs) that are not forwarded to the prosecutor.
- Prosecution of welfare fraud or FAP trafficking is declined by the prosecutor for a reason other than lack of evidence, **and**
 - the total OI amount for the FIP, SDA, CDC, MA and FAP programs is \$1000 or more, **or**
 - the total OI amount is less than \$1000, **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 (May 2014), pp. 12-13.

In this case, the Department alleges that Respondent received an OI in FAP benefits in the amount of \$659 during the alleged fraud period. However, the OI amount is less the \$1,000 threshold that an OIG agent can pursue IPV hearings. See BAM 720, pp. 12-13. As such, the Department improperly requested an IPV hearing and Respondent is not subject to an IPV disqualification from the FAP program. See BAM 720, pp. 12-13 and 16.

Nevertheless, when a client group receives more benefits than they are entitled to receive, the Department must attempt to recoup the OI. BAM 700 (May 2014), p. 1. The Petitioner can file another hearing request for a debt collection hearing in order to seek the alleged FAP OI amount. See BAM 725 (May 2014), pp. 16-17.

Based on the above information, the request for hearing (dated [REDACTED]) is **DISMISSED**.

IT IS SO ORDERED.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

EJF/cl

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:

[REDACTED]

BSC2-Hearing Decisions

[REDACTED]