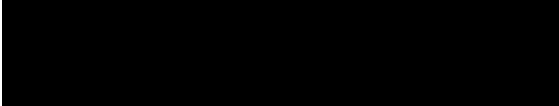


**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**



Reg. No.: 14-015318  
Issue No.: 3000  
Case No.: [REDACTED]  
Hearing Date: [REDACTED] 2015  
County: VAN BUREN

**ADMINISTRATIVE LAW JUDGE: Eric Feldman**

**ORDER OF DISMISSAL**

Upon a hearing request by the Department of Human Services (Department) to establish an overissuance (OI) of benefits to Respondent, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 400.43a, and 24.201, *et seq.*, and Mich Admin Code, R 400.941, and in accordance with 7 CFR 273.15 to 273.18, 42 CFR 431.200 to 431.250, 45 CFR 99.1 to 99.33, and 45 CFR 205.10. After due notice, a telephone hearing was held on [REDACTED] 2015, from Detroit, Michigan. Participants on behalf of the Department included Jennifer Braxmaier, Recoupment Specialist.

Respondent did not appear. This matter having been initiated by the Department and due notice having been provided to Respondent, the hearing was held in Respondent's absence in accordance with Department of Human Services Bridges Administrative Manual (BAM) 725 (July 2014), pp. 16-17.

In the present case, on [REDACTED], 2014, the Department sent Respondent a Notice of Case Action notifying her that her FAP benefits would close effective [REDACTED], 2014, ongoing, for failure to comply with the verification requirements. See Exhibit 1, pp. 15-20.

On [REDACTED], 2014, Respondent signed an Intentional Program Violation (IPV) Repayment Agreement (IPV repayment agreement). See Exhibit 1, pp. 11-12. Respondent agreed that the total overpayment for the FAP program was [REDACTED] for the time period of [REDACTED], 2013, to [REDACTED], 2013. See Exhibit 1, pp. 11-12.

On [REDACTED], 2014, Respondent also signed a Disqualification Consent Agreement. See Exhibit 1, p. 13. By signing the disqualification consent agreement, Respondent agreed that she would be disqualified from participating in the FAP program for one-year (first penalty). See Exhibit 1, p. 13.

On [REDACTED], 2014, the Department sent Respondent an IPV Client Notice notifying her that she will be disqualified from the FAP program from [REDACTED], 2014, to [REDACTED], 2015.

See Exhibit 1, p. 3. The IPV Client Notice also notified Respondent that the reason for this notice was based on her agreeing to the disqualification and/or repayment by signing an agreement to waive prosecution or an administrative disqualification hearing. See Exhibit 1, p. 4. The IPV Client Notice stated that the overissuance amount was [REDACTED] for the time period of [REDACTED] 2013, to [REDACTED] 2013. See Exhibit 1, p. 4.

On [REDACTED], 2014, Respondent filed a hearing request, protesting the Department's IPV action. See Exhibit 1, p. 2. On [REDACTED], 2014, the Department received a Hearing Request Withdrawal from the Respondent. See Exhibit 1, p. 21.


Based on the foregoing information and evidence, the request for hearing is **DISMISSED** based on this ALJ's lacks of jurisdiction and Respondent's hearing request withdrawal.

First, this ALJ lacks the jurisdiction to address Respondent's hearing request. In response to the IPV Client Notice, Respondent requested the hearing disputing the disqualification and/or OI amount. See Exhibit 1, pp. 2-5. However, Respondent is limited to her challenging the IPV Client Notice (DHS-4357). The hearing request form states "a hearing will be granted only if the reason for requesting a hearing is an incorrect computation of the reduction in your monthly benefits." See Exhibit 1, pp. 2 and 5. Furthermore, only hearing requests (on the DHS-4357, IPV Client Notice) challenging the overissuance benefit reduction or repayment amount (not the overissuance amount) are granted by the Michigan Administrative Hearing System (MAHS). See BAM 720 (October 2014), pp. 18-19. Respondent cannot challenge her overissuance amount per BAM 720; therefore, this ALJ lacks the jurisdiction (debt collection hearing) to address Respondent's hearing request. See BAM 720, pp. 18-19.

Second, Respondent ultimately withdrew her hearing request challenging the Department's action; therefore, the request for hearing is dismissed. See BAM 600 (October 2014), pp. 27-29 and Exhibit 1, p. 21.

Therefore, the request for hearing is **DISMISSED** for lack of jurisdiction and Respondent's hearing request withdrawal.

**IT IS SO ORDERED.**

  
**Eric Feldman**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: [REDACTED]/2015

Date Mailed: [REDACTED]/2015

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:



Jeannene Gatties  
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