



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON BROWN  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: August 21, 2024  
MOAHR Docket No.: 24-008355  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

**ORDER OF DISMISSAL**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, and 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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 20, 2024. [REDACTED] [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Rachel Meade, Hearing Coordinator (HC).

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (June 1, 2024), p. 2. Moreover, BAM 600, provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. BAM 600, p. 6.

For FAP, an IPV exists when an administrative hearing decision, signed and dated disqualification agreement or court decision determines FAP benefits were misused or trafficked. BAM 720, June 1, 2024, p, 4. When there is a court action, the BAM 720 policy states:

## Court Actions

The investigation disposition is completed specifying the action of the court.

If it is determined the client or provider committed an IPV, complete the following steps:

- Initiate restitution as ordered by the court.
- Process the full amount as IPV if the court does not address restitution.
- If the court ordered IPV restitution is less than the overpayment amount, process the remainder as client or provider error.
- For **FIP, SDA, RCA and FAP** apply the court-ordered disqualification period or the standard disqualification period specified in this item if the court does not address disqualification.

BAM 720, June 1, 2024, p, 9.

In the present case, Petitioner filed a hearing request on July 3, 2024 contesting a closure of Medical Assistance (MA) and Food Assistance Program (FAP) benefits. Petitioner's written explanation on the hearing request indicated she disagreed with an Intentional Program Violation (IPV) determination. (Hearing Request).

The HC explained that the IPV determination was made by the court. Effective August 1, 2024, Petitioner's household's FAP benefit decreased due to the court determination as there was a decrease with the household members eligible for FAP benefits and a portion of benefits are being withheld to recoup an overpayment. (HC Testimony). Petitioner did not dispute that there was a court decision that determined an IPV existed. (Petitioner Testimony). As discussed, there is no jurisdiction for an administrative hearing regarding the IPV determination because there is a court decision. Petitioner indicated that she is appealing the court decision. (Petitioner Testimony).

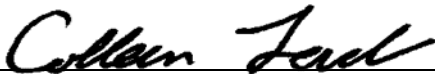
The HC testified that MA coverage has continued with no gap in coverage. (HC Testimony). Petitioner agreed that there is no contested MA issue as her MA benefits have continued with no gap in coverage. (Petitioner Testimony). Accordingly, there is no contested MA action to proceed with an administrative hearing.

Therefore, there is no jurisdiction to proceed with an administrative hearing at this time regarding FAP or MA.

Petitioner's July 3, 2024 hearing request is, therefore, **DISMISSED** for lack of jurisdiction.

**IT IS SO ORDERED.**

CL/dm

  
\_\_\_\_\_  
**Colleen Lack**  
Administrative Law Judge

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**Via-Electronic Mail :**

**DHHS**  
Heather Dennis  
Jackson County DHHS  
**MDHHS-Jackson-**  
**Hearings@michigan.gov**

**HoldenM**

**DensonSogbakaN**

**SchaeferM**

**EQADHearings**

**BSC4HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**

██████████

██████████████████

██████████████████████████████