

Date Mailed: October 30, 2025
Docket No.: 25-028700
Case No.: [REDACTED]
Petitioner: OFFICE OF INSPECTOR
GENERAL (OIG)

HEARING DECISION FOR INTENTIONAL PROGRAM VIOLATION

Upon the request for a hearing by the Department of Health and Human Services (Department), this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, and in accordance with Title 7 of the Code of Federal Regulations (CFR), particularly 7 CFR 273.16. After due notice, a telephone hearing was held on October 29, 2025. The Department was represented by Office of Inspector General (OIG) Regulation Agent Rebecca Smalley. Respondent [REDACTED] appeared at the hearing on Respondent's own behalf.

A 144-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUES

1. Did the Department establish by clear and convincing evidence that Respondent committed an Intentional Program Violation (IPV)?
2. Should Respondent be disqualified from receiving Food Assistance Program (FAP) benefits for 12 months?

FINDINGS OF FACT

The Administrative Law Judge based on the clear and convincing evidence on the whole record finds as material fact:

1. On September 6, 2020, Respondent applied for FAP benefits and reported that Respondent was employed at [REDACTED] working an average of 40 hours per week, earning [REDACTED] per hour, and being paid biweekly. No other employment or income was reported. Respondent's rights and responsibilities were reviewed with Respondent.
2. Respondent's signature on the assistance application certified that Respondent read and understood the rights and responsibilities. This would include providing accurate information and timely reporting changes.
3. On September 14, 2020, Respondent completed an interview with the Department and reported that Respondent was employed at [REDACTED],

working an average of 40 hours per week, earning [REDACTED] per hour, and being paid biweekly. No other employment or income was reported. Respondent's rights and responsibilities were reviewed with Respondent.

4. On September 25, and 29, 2020; November 14, 2020; and January 28, 2021, the Department mailed a notice of case action to Respondent to notify Respondent that Respondent was approved for FAP benefits based on reported earned income of [REDACTED] per month. The Department instructed Respondent to report when Respondent's household exceeded the simplified reporting (SR) limit of \$2,839.00.
5. On January 6, 2021, Respondent submitted a renew benefits form and reported Respondent's employment at [REDACTED]. No other household employment or income was reported.
6. On May 11, 2021, the Department mailed a notice of case action to Respondent to notify Respondent that Respondent was approved for FAP benefits based on reported earned income of [REDACTED] per month. The Department instructed Respondent to report when Respondent's household exceeded the SR limit of \$2,839.00.
7. On July 6, 2021, Respondent submitted a renew benefits form and reported Respondent's employment at [REDACTED]. No other household employment or income was reported.
8. On August 3, 2021, Respondent completed an interview with the Department and reported Respondent's employment at [REDACTED]. Respondent reported being paid biweekly. Respondent's rights and responsibilities were reviewed with Respondent.
9. On August 6, 2021, the Department mailed a notice of case action to Respondent to notify Respondent that Respondent was approved for FAP benefits based on reported earned income of [REDACTED] per month. The Department instructed Respondent to report when Respondent's household exceeded the SR limit of \$2,839.00.
10. On January 4, 2022, July 7, 2022, and January 5, 2023, Respondent submitted a renew benefits form and reported Respondent's employment at [REDACTED]. No other household employment or income was reported.
11. On March 3, 2022, the Department mailed a notice of case action to Respondent to notify Respondent that Respondent was approved for FAP benefits based on reported earned income of [REDACTED] per month. The Department instructed Respondent to report when Respondent's household exceeded the SR limit of \$2,871.00.
12. On August 8, 2022, Respondent completed an interview with the Department and reported Respondent's employment at [REDACTED] and earning [REDACTED] per hour on a

check dated July 14, 2022, and receiving a raise to [REDACTED] per hour beginning with a check dated July 28, 2022. No other household employment or income was reported. Respondent's rights and responsibilities were reviewed with Respondent.

13. On September 2, 2022, the Department mailed a notice of case action to Respondent to notify Respondent that Respondent was approved for FAP benefits based on reported earned income of [REDACTED] per month. The Department instructed Respondent to report when Respondent's household exceeded the SR limit of \$2,871.00.
14. Respondent did not have any impairment that would have limited Respondent's understanding of Respondent's reporting responsibilities or Respondent's ability to carry out Respondent's reporting responsibilities.
15. Beginning March 20, 2023, Respondent began employment at [REDACTED] and received Respondent's first paycheck on March 31, 2023, and continued to receive income from this employment as of the date of the OIG's investigation (July 3, 2025).
16. On July 7, 2023, the Department first became aware of Respondent's unreported earned income from [REDACTED] via a redetermination that Respondent submitted to the Department.
17. From May 2023 to August 2023, Respondent received the following in gross earnings from Respondent's employment at [REDACTED]:
 - a. [REDACTED] in May 2023
 - b. [REDACTED] in June 2023
 - c. [REDACTED] in July 2023
 - d. [REDACTED] in August 2023
18. From May 1, 2023, to August 31, 2023, Respondent was receiving FAP benefits from the Department while Respondent was employed, and Respondent did not report to the Department when Respondent's income exceeded the SR limit.
19. The Department was unaware of Respondent's employment income, so the Department continued to pay FAP benefits to Respondent while Respondent was working and earning income.
20. The Department investigated Respondent's case and determined that it overpaid FAP benefits to Respondent because Respondent had unreported income.
21. The Department determined that Respondent was overpaid [REDACTED] in FAP benefits from May 1, 2023, to August 31, 2023.
22. The Department established a claim for the amount of the overpayment.

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23. On August 13, 2025, the Department's OIG filed a hearing request to establish that Respondent committed an IPV.
24. The Department's OIG requested that Respondent be disqualified from the FAP for 12 months for a first IPV.

CONCLUSIONS OF LAW

The Supplemental Nutrition Assistance Program (SNAP) is a federal food assistance program designed to promote general welfare and to safeguard well-being by increasing food purchasing power. 7 USC 2011 and 7 CFR 271.1. The Department administers its Food Assistance Program (FAP) pursuant to MCL 400.10; the Social Welfare Act, MCL 400.1-.119b; and Mich Admin Code, R 400.3001 to .3015. Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

IPV

An IPV "shall consist of having intentionally: (1) made a false or misleading statement, or misrepresented, concealed or withheld facts; or (2) committed any act that constitutes a violation of SNAP, SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of SNAP benefits or EBT cards." 7 CFR 273.16(c). An IPV requires that the Department establish by clear and convincing evidence that the client has intentionally withheld or misrepresented information for the purpose of establishing, maintaining, increasing or preventing reduction of program benefits or eligibility. 7 CFR 273.16(e)(6). Clear and convincing evidence is evidence, which is so clear, direct, weighty, and convincing that it enables a firm belief as to the truth of the allegations sought to be established. *In re Martin*, 450 Mich 204, 227; 538 NW2d 399 (1995) (citing *In re Jobes*, 108 NJ 394 (1987)).

The Department presented clear and convincing evidence to establish that Respondent purposely failed to accurately report Respondent's household's income to the Department so that Respondent could maintain Respondent's FAP benefits. Respondent was required to report when Respondent's household exceeded the SR limit. Although the Department clearly and correctly instructed Respondent to report when Respondent's household's income exceeded the SR limit, Respondent failed to report when Respondent's household's income exceeded the SR limit.

Disqualification

In general, individuals found to have committed an IPV through an administrative disqualification hearing shall be ineligible to participate in FAP: (i) for a period of 12 months for the first violation, (ii) for a period of 24 months for the second violation, and (iii) permanently for a third violation. 7 CFR 273.16(b). Only the individual who

committed the violation shall be disqualified – not the entire household. 7 CFR 273.16(b)(11).

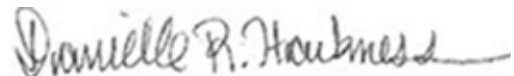
In this case, there is no evidence that Respondent has ever been found to have committed an IPV related to FAP benefits. Thus, this is Respondent's first IPV related to FAP benefits, and Respondent is subject to a 12-month disqualification from the FAP.

DECISION AND ORDER

The Administrative Law Judge based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, concludes that:

1. The Department established by clear and convincing evidence that Respondent committed an IPV.
2. Respondent is personally disqualified from the FAP for 12 months.

IT IS SO ORDERED.



DANIELLE R. HARKNESS
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Respondent may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

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Via First Class Mail:

Respondent

[REDACTED]