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**Date Mailed:** November 5, 2025  
**Docket No.:** 25-030024  
**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 4, 2025. The Department was represented by Office of Inspector General (OIG) Regulation Agent Nicole Scholten. Respondent [REDACTED] did not appear. The hearing was held in Respondent's absence pursuant to 7 CFR 273.16(e)(4).

A 53-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 May 26, 2021, Respondent submitted an assistance application and reported that Respondent had employment within the last 30 days but recently quit that employment. No other employment or income was reported.
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 June 4, 2021, Respondent completed an interview with the Department and reported that Respondent quit Respondent's employment at [REDACTED] but was offered employment at [REDACTED] but did not have a start date.

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No other employment or income was reported. Respondent's rights and responsibilities were reviewed with Respondent.

4. On June 4, 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 \$2,353.00.
5. On June 9, 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 \$2,353.00.
6. 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.
7. On May 1, 2022, the Department first became aware of Respondent's unreported earned income from [REDACTED] via a wage match report.
8. On November 17, 2021, Respondent began employment at [REDACTED] and received income from this employment from November 26, 2021, to April 29, 2022.
9. From February 2022 to April 2022, Respondent received the following in gross earnings from Respondent's employment at Memorial Healthcare Center:
  - a. [REDACTED] in February 2022
  - b. [REDACTED] in March 2022
  - c. [REDACTED] in April 2022
10. From February 1, 2022, to April 30, 2022, 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.
11. 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.
12. The Department investigated Respondent's case and determined that it overpaid FAP benefits to Respondent because Respondent had unreported income.
13. The Department determined that Respondent was overpaid [REDACTED] in FAP benefits from February 1, 2022, to April 30, 2022.

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14. The Department established a claim for the amount of the overpayment.
  15. On August 20, 2025, the Department's OIG filed a hearing request to establish that Respondent committed an IPV.
  16. The Department's OIG requested that Respondent be disqualified from the FAP for 12 months for a first IPV.
  17. A notice of hearing was mailed to Respondent at the last known address and was not returned by the United States Postal Service as undeliverable.

### **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 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 income exceeded the SR limit.

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### **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).

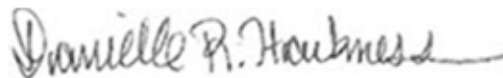
In this case, there is no evidence that Respondent has ever been found to have committed an IPV related to FAP benefits. Thus, this is Respondent's first IPV related to FAP benefits, and Respondent is subject to a 12-month disqualification from the FAP.

### **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.**



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**DANIELLE R. HARKNESS**  
**ADMINISTRATIVE LAW JUDGE**

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**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](http://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](mailto: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:**

**Petitioner**  
OFFICE OF INSPECTOR GENERAL (OIG)  
PO BOX 30062  
LANSING, MI 48909-7562  
**MDHHS-OIG-HEARINGS@MICHIGAN.GOV**

**Via First Class Mail:**

**Respondent**  
