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

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	Reg. No.: Issue Nos.: Case No.: Hearing Date: County:	201211563 2014, 3015 December 14, 2011 Bay				
ADMINISTRATIVE LAW JUDGE: Corey A. Arend	t					
HEARING DECIS	<u>ION</u>					
This matter is before the undersigned Administrative and MCL 400.37 following Claimant's request for telephone hearing was held on December 14 Participants on behalf of Claimant included Department of Human Services (Department) in	or a hearing. 7 4, 2011, from Partio	After due notice, a				
ISSUE						
Due to excess assets, did the Department properl   ☐ close Claimant's case for:	y 🗌 deny the Cl	aimant's application				
☐ Family Independence Program (FIP)? ☐ Medical Assistance (MA)? ☐ Food Assistance Program (FAP)?		Assistance (AMP)? Assistance (SDA)?				
FINDINGS OF FACT						
The Administrative Law Judge, based on the cevidence on the whole record, including the testime fact:	· ·	•				
1. Claimant ☐ applied for benefits ☒ received be	nefits for:					
☐ Family Independence Program (FIP). ☐ Medical Assistance (MA). ☐ Food Assistance Program (FAP)?		assistance (AMP). Assistance (SDA).				

2.	☐ denied Claimant's application. ☐ closed Claimant's case.
3.	On October 25, 2011, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.
4.	On November 4, 2011, Claimant filed a hearing request, protesting the $\square$ denial of the application. $\boxtimes$ closure of the case.

## **CONCLUSIONS OF LAW**

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

FAP [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department administers FAP pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015.

Assets must be considered in determining eligibility for FIP, SDA, RAPC, LIF, G2U, G2C, SSI-related MA categories, AMP and FAP. FIP, SDA, RAPC, LIF, G2U, G2C and AMP consider only the following types of assets:

- Cash (which includes savings and checking accounts).
- Investments.
- Retirement Plans.
- Trusts.

**Assets** means cash, any other personal property and real property. **Real property** is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property. **Personal property** is any item subject to ownership that is **not** real property (examples: currency, savings accounts and vehicles).

Countable assets **cannot** exceed the applicable asset limit. Not all assets are counted. Some assets are counted for one program, but not for another program. Some programs do **not** count assets.

The Department is to determine asset eligibility prospectively using the asset group's assets from the benefit month. Asset eligibility exists when the group's countable

assets are less than, or equal to, the applicable asset limit at least one day during the month being tested.

Asset limits for both FAP and MA can be found in BEM 400.

Based on the testimony and the exhibits presented, I find Claimant did have assets in excess of the applicable policy limits at the time the Department closed Claimant's FAP and MA benefits. Claimant had a bank account with \$30.33; an annuity with a cash surrender value of \$12,569.01; and a life insurance policy with a cash surrender value of \$1,640.10. These values clearly exceed the threshold values as laid out in BEM 400.

Date Signed: December 19, 2011

Date Mailed: December 19, 2011

**NOTICE:** Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the receipt date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

for Maura Corrigan, Director Department of Human Services

## 201211563/CAA

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
  of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

## CAA/pf

