

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201271755
Issue No: 3021
Case No: [REDACTED]
October 2, 2012
Marquette County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 2, 2012. The claimant personally appeared and provided testimony. The claimant appeared with [REDACTED] [REDACTED] her social worker and authorized representative who also provided testimony.

ISSUES

Whether the department properly denied the claimant's Food Assistance Program (FAP) application due to excess assets?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The claimant was a recipient of FAP benefits.
2. The claimant submitted a redetermination where she indicated that she owned stock.
3. The claimant then submitted verification of the value of said stock to the department.
4. Based on the verification provided, the department determined that the value of the claimant's stock exceeded the allowable asset limit provided by policy.
5. On August 8, 2012, the department sent the claimant a notice of case action (DHS 1605) stating that her FAP case would be closed due to excess assets.

6. On August 15, 2012, the claimant filed a request for hearing, protesting the closure of her FAP benefits.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Food Assistance Program (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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the case at hand, the department representative testified that the claimant had presented new evidence indicating that she was not the sole owner of the stock in question. The department representative further testified that based on the new evidence presented by the claimant, the department was willing to initiate a redetermination of the claimant's eligibility for FAP benefits as of the date of negative action and make a determination of what, if any, countable value should be attributed to the claimant. The claimant's authorized representative agreed that this was the proper course of action for the department to take.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that the department was willing to re-determine the claimant's FAP eligibility back to the date of negative action and, if applicable, issue benefits accordingly. The claimant agreed with this course of action. Therefore, the parties agree as to what the proper course of action to be taken in this matter should be. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed the claimant's FAP case due to excess assets.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall initiate a redetermination of the claimant's FAP eligibility as of the date of negative action (August 1, 2012) and use the new information provided by the claimant to determine what, if any, countable value should be attributed to the claimant. If the claimant is found to be otherwise eligible, the department shall reinstate benefits in accordance with policy and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 2, 2012

Date Mailed: October 3, 2012

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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.

CSS/cr

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