

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-23289  
Issue No.: 2000, 3000  
Case No.: [REDACTED]  
Hearing Date: February 7, 2013  
County: Bay County DHS

**ADMINISTRATIVE LAW JUDGE:** Corey A. Arendt

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on February 7, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], [REDACTED] and [REDACTED] (Attorney). Participants on behalf of Department of Human Services (Department) included [REDACTED], [REDACTED] and [REDACTED] (Attorney).

**ISSUE**

Due to excess assets, did the Department properly close Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) cases?

**FINDINGS OF FACT**

I find as material fact, based on the competent, material, and substantial evidence on the whole record:

1. As of December 2012, the Claimant was receiving MA and FAP benefits.
2. On December 11, 2012, the Department sent the Claimant a redetermination form (DHS-1010).
3. On January 2, 2013, the Claimant submitted to the Department a completed redetermination form.
4. On January 2, 2013, the Department sent the Claimant a verification checklist (DHS-3503) seeking verification of the Claimant's assets.
5. On January 9, 2013, the Claimant submitted to the Department a printout of his Hilliard Lyons investment account. The value of the account at the time of submission according to the documents was \$ [REDACTED]

6. On January 10, 2013, the Department sent the Claimant a notice of case action (DHS 1605). The notice indicated the Claimant's MA and FAP benefits were closing effective February 1, 2013 due to the Claimant's assets exceeding the asset limit for both the FAP and MA programs.
7. On January 15, 2013, the Claimant requested a hearing.

### 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 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.

The 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 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).

Assets must be considered in determining eligibility for FIP, SD A, RAPC, LIF, G2U, G2C, SSI-related MA categories, AMP and FAP. (BEM 400).

**Assets** mean 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). (BEM 400).

The Department determines 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. Countable assets cannot exceed the applicable asset limit. The FAP asset limit is \$5,000. The Medicare Savings Program asset limit is \$10,410 for an asset group of two and \$6,940 for a group size of one. All other SSI-related MA categories have an asset limit of \$3,000 for an asset group of two and \$2,000 for a group size of one. (BEM 400).

An asset is countable if it meets the availability tests and is not excluded. Available means that someone in the asset group has the legal right to use or dispose of the asset. Assume an asset is available unless evidence shows it is not available. (BEM 400).

In this case there was no dispute as to the value of the Hilliard Lyons account and no argument presented by the Claimant as to whether the asset was usable and available or whether or not the Claimant did or did not have the legal right to use or dispose of the

asset. Therefore, based upon the testimony and exhibits presented, I find the Hilliard Lyons account belonged to the Claimant and the Claimant had the legal right to use and dispose of the asset. I further find that there existed no barriers as to the Claimant's ability to use the assets and that they were available to him at all times.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I conclude the Department properly closed the Claimant's FAP and MA cases.

### **DECISION AND ORDER**

I find based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did act properly.

Accordingly, the Department's FAP and MA decision is **AFFIRMED**.

/s/  
Corey A. Arendt  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: February 8, 2013

Date Mailed: February 8, 2013

**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 mailing 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.

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 MAY be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration MAY 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

2013-23289/CAA

Recons ideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

CAA/las

cc:

