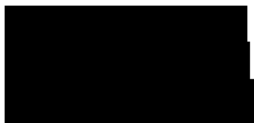


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 2013-37995  
Issue No.: 3019  
Case No.:   
Hearing Date: May 29, 2013  
County: Genesee-06

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**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, an in-person hearing was held on May 29, 2013, at the DHS Genesee County office. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist

**ISSUE**

In dispute was whether the Department properly denied Claimant's redetermination for the Food Assistance Program (FAP) and Medical Assistance (MA) based on excess assets.

**FINDINGS OF FACT**

Based on the competent, material, and substantial evidence on the whole record, including the testimony of witnesses, the Administrative Law Judge, finds as relevant fact:

1. On March 7, 2013, Claimant submitted a redetermination for FAP and MA benefits.
2. On March 18, 2013, the Department sent Claimant notice of the reduction.
3. Beginning April 1, 2013, the Department closed Claimant's FAP and MA benefits due to excess assets.
4. On March 22, 2013, Claimant filed a hearing request, contesting the Department's closure of FAP and MA benefits.

**CONCLUSIONS OF LAW**

The FAP [formerly known as the Food Stamp (F S) program] was 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 in

accordance with MCL 400.10, *et seq.*, and 1997 AACRS, R 400.3001 through R 400.3015. Agency policies pertaining to this program are found in the BAM, BEM, and 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.

To determine FAP eligibility, the group's assets during the benefit month cannot exceed \$5,000. BEM 400. For MA eligibility, the group's assets cannot exceed \$2,000. Assets means cash, any other personal property and real property. At redetermination, Claimant listed cash in a savings account and a certificate of deposit.

Claimant testified during the hearing that the certificate of deposit was for \$ [REDACTED] and that she and her son each owned half. The bank statement submitted by Claimant at redetermination shows the certificate of deposit was valued at \$ [REDACTED]

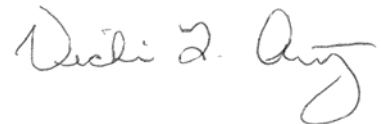
Because Claimant had in excess of \$5,000 in her certificate of deposit at the time of redetermination for the FAP and MA programs, the Department properly closed Claimant's benefits because she had excess assets.

### **DECISION AND ORDER**

Based on the above findings of fact and conclusions of law, and for the reasons stated on the record, the Administrative Law Judge finds that the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED**.

It is SO ORDERED.



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Vicki L. Armstrong  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: May 30, 2013

Date Mailed: May 30, 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 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 mailing 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  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

VLA/las

cc:

