

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

IN THE MATTER OF:



Reg. No.: 2013-24110
Issue No.: 3014
Case No.: [REDACTED]
Hearing Date: February 13, 2013
County: Ingham

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on February 13, 2013. Claimant and her husband appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's December 14, 2012 Food Assistance Program (FAP) application for 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) On December 14, 2012, Claimant submitted an application for Food Assistance Program (FAP) benefits for her great nephew who resides with her.
- (2) On January 4, 2013, the Department processed Claimant's application and determined she was not eligible due to excess assets. Claimant was sent a Notice of Case Action (DHS-1605) about the denial.
- (3) On January 15, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 Program Reference Manual (PRM).

In this case Claimant's great nephew has come to live with Claimant and her husband due to issues with his parents. Claimant testified that they have applied to become his legal guardians but do not have that status at this time. Claimant and her husband are living on a fixed retirement income and applied for assistance to help with the added expense of providing for a teenage boy. At the time of this denial, the three were living together and purchase and prepare food together. Department of Human Services Bridges Eligibility Manual (BEM) 212 (2012) requires all three of them to be included in the Food Assistance Program (FAP) benefit group.

Department of Human Services Bridges Eligibility Manual (BEM) 400 (2013) governs asset eligibility for all assistance programs. Bridges Eligibility Manual 400 page 2, states that there is a Food Assistance Program (FAP) asset test for all Food Assistance Program (FAP) groups. The policy provides for only one exception "When all FAP members are receiving FIP and/or SDA and/or SSI, they do not have a FAP asset test because their asset requirements are met by the FIP/SDA/SSI program." Claimant's Food Assistance Program (FAP) benefit group does not fit into this exception.

Bridges Eligibility Manual (BEM) 400 page 3 under FAP asset eligibility states:

FAP Asset Limits

\$5,000 or less.

Non-Categorically Eligible Groups:

\$5,000 or less for SDV (Senior, Disabled, Disabled Veteran) groups who have income over 200 percent of the poverty level and certain disqualified household members; see BEM 213.

FAP Asset Group The asset group is:

- FAP eligible members; see BEM 212.
- All disqualified members; see BEM 550.
- Alien sponsors; see BEM 226.

The income information provided on the application shows that Claimant's benefit group has gross income of \$ [REDACTED] Department of Human Services Reference Table (RFT) 250 (2012), shows that the gross income limit for a benefit group of 3 is \$ [REDACTED] The table also shows that 200% of the poverty level for a group of 3 is \$ [REDACTED] While the Department denied this application based on excess assets, it appears that even if they were not eligible due to excess assets, they would not be eligible due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's December 14, 2012 Food Assistance Program (FAP) application for excess assets.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 20, 2013

Date Mailed: February 21, 2013

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.

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

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GFH/las

cc:

