

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-46805
Issue No.: 3021
Case No.: [REDACTED]
Hearing Date: June 18, 2013
County: Montcalm

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 June 18, 2013. Claimant and his spouse [REDACTED] appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) due to excess assets?

Did the Department of Human Services properly deny [REDACTED] Medical Assistance (MA) 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. Dorothy returned to Claimant's household and submitted an application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits. [REDACTED] was added to Claimant's Food Assistance Program (FAP) benefit group as a mandatory member.
2. On April 29, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated [REDACTED] Medical Assistance (MA) application was denied due to excess assets and the Food Assistance Program (FAP) would close on May 1, 2013 due to excess assets.
3. On May 9, 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).

██████ does not dispute being joint ██████ of a ██████ in ██████ which had a 2012 State Equalized Valuation of ██████. The ██████ is not claimant and ██████ testified that she and her co-owner were not on good terms. Department of Human Services Bridges Eligibility Manual (BEM) 400 (2013) page 8 addresses jointly owned assets. BEM 400 states that for Medical Assistance (MA) and Food Assistance Program (FAP) purposes a jointly owned asset is unavailable if an owner cannot sell or spend his share of the asset: without another owner's consent and; the other owner is not in the asset group and; the other owner refuses consent. No evidence in this record indicates the Department requested any verification or information regarding the joint ownership circumstances used in BEM 400 to determine eligibility. This action was not done in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Food Assistance Program (FAP) and deny Dorothy' Medical Assistance (MA) application due to excess assets.

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

It is further ORDERED that the application and Food Assistance Program (FAP) be reinstated, information obtained to make a proper evaluation under BEM 400 and then processed in accordance with Department policy.

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

Date Signed: 6/24/13

Date Mailed: 6/25/13

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

GFH/las

cc:

