

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201344924
Issue No.: 3021
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Wayne DHS (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 May 30, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Specialist, and [REDACTED], Supervisor.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefit eligibility due to excess assets.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP benefit recipient.
2. Claimant was part a FAP benefit group that also included her mother.
3. On 3/4/13, DHS received a report that Claimant's mother received \$7604 in lottery winnings.
4. On 4/15/13, DHS mailed Claimant a Notice of Case Action informing Claimant of a termination of FAP benefit eligibility, effective 5/2013, due to excess assets.
5. On 4/26/13, Claimant requested a hearing disputing the FAP benefit terminations.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a FAP benefit termination. It was not disputed that the basis for the termination was excess assets.

Assets must be considered in determining eligibility for FAP benefits. BEM 400 (1/2013), p. 1. The asset limit for FAP benefits is \$5,000 or less. *Id.*, p. 4. Cash assets, such as monies held in a bank account, count toward the asset limit. *Id.*, p.11.

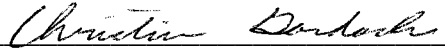
DHS established that they received a report from an unspecified Michigan agency that Claimant's mother received \$7604 in lottery winnings (see Exhibit 1). Claimant testified that she was unsure if her mother received the lottery winnings. The DHS evidence was sufficiently reliable to find that Claimant's mother received \$7604 from the Michigan Lottery.

As a FAP benefit group member, Claimant's mother's assets were relevant to the FAP benefit eligibility determination. Once DHS budgeted the \$7604 in winnings as an asset, the result was that Claimant's FAP benefit group had excess assets for FAP benefits. Claimant did not dispute any of the facts asserted by DHS, nor the way in which DHS policy was applied.

Based on the presented evidence, it is found that DHS properly determined Claimant's benefit group to have excess income for FAP benefits. As stated during the hearing, Claimant is free to reapply for FAP benefits at any time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP benefit eligibility, effective 5/2013. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/7/2013

Date Mailed: 6/7/2013

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. (60 days for FAP cases)

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

CG/hw

cc:

