

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201345389  
Issue No.: 3021  
Case No.: [REDACTED]  
Hearing Date: June 3, 2013  
County: Wayne DHS (17)

**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 June 3, 2013, from Detroit, Michigan. Participants included the above-named Claimant. [REDACTED] appeared as Claimant's translator. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Medical Contact Worker.

**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. On an unspecified date, Claimant received \$10,000 in lottery winnings.
3. On 4/24/13, DHS received information that Claimant received \$10,000 in lottery winnings.
4. On 4/25/13, DHS mailed Claimant a Notice of Case Action informing Claimant of a termination of FAP benefit eligibility, effective 6/2013, due to excess assets.
5. On 5/2/13, 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.

It was not disputed that Claimant received \$10,000 in lottery winnings. Claimant alleged that he received the winnings on behalf of someone else; Claimant did not make this allegation in his hearing request. There was no evidence that Claimant informed DHS that he gave away the lottery money prior to the FAP termination. Had Claimant reported a transfer of the assets to DHS, perhaps DHS would have had the obligation to attempt to verify the transfer prior to FAP benefit termination. Because Claimant did not report a transfer of the lottery money prior to the FAP termination, the FAP termination was proper. 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 6/2013. The actions taken by DHS are AFFIRMED.



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

Date Signed: 6/11/2013

Date Mailed: 6/11/2013

**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:

