

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

IN THE MATTER OF:



Reg. No.: 15-002585
Issue No.: 3001
Case No.:
Hearing Date: March 18, 2015
County: CALHOUN (DISTRICT 21)

ADMINISTRATIVE LAW JUDGE: Gary Heisler

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on March 18, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator and Eligibility Specialist (ES) .

ISSUE

Did the Department properly deny Claimant's January 23, 2015 Food Assistance Program eligibility re-determination?

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 recipient of Food Assistance Program benefits. Her benefit group included her son, Forrest. Claimant was due for an eligibility re-determination by January 31, 2015.
2. On December 16, 2014, Claimant was sent a Redetermination (DHS-1010) packet. The packet and required verifications were due back by January 6, 2015.
3. On January 23, 2015, Claimant submitted the Redetermination (DHS-1010) packet and banking verifications for herself and Forrest.
4. On January 28, 2015, the Department completed the re-determination. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program was closed beginning February 1, 2015 due to excess assets.
5. On February 12, 2015, Claimant submitted a hearing request.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The Department based the eligibility re-determination on the banking verification submitted for Forrest which showed a primary share lowest balance of \$ [REDACTED] (Page 3A) Bridges Eligibility Manual (BEM) 400 Assets (2015) identifies a \$ [REDACTED] asset limit for Food Assistance Program benefit group eligibility at page 5. At page 9, it identifies the criteria of availability. "An asset must be available to be countable. Available means that someone in the asset group has the legal right to use or dispose of the asset."

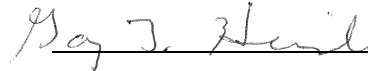
Claimant asserts that [REDACTED] does not have access to all the funds in his account because it is a security against a car loan he has. There is nothing in the record which shows the bank verified the funds were not available to [REDACTED]

Claimant also asserts she did not have time to get any kind of verification from the bank. Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (2014) contains guidance on required verifications. Page 6, under Timeliness of Verifications states: at redetermination, FAP clients have until the last day of the redetermination month or 10 days, whichever is later, to provide verification.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's January 23, 2015 Food Assistance Program eligibility re-determination.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/23/2015**

Date Mailed: **3/23/2015**

GFH/hj

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

