



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

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Date Mailed: June 28, 2016
MAHS Docket No.: 16-005565
Agency No.: ██████████
████████████████████

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 15, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by ██████████ ██████, Family Independence Manager and ██████████ ██████, Eligibility Specialist.

ISSUE

Did the Department properly determine that the Petitioner had excess assets for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. On March 7, 2016, the Petitioner applied for FAP benefits. Department Exhibit 1, pgs. 5-15.
2. On March 14, 2016, the Department Caseworker conducted a telephone interview where the Petitioner stated that she owned a house in ██████████ that was condemned. Department Exhibit 1, pgs. 18-19.

3. On April 4, 2016, the Department denied the Petitioner's FAP application due to excess assets because the Petitioner is still the owner of the property in [REDACTED] and she had failed to provide proof that the property had been condemned. Department Exhibit 1, pgs. 27-47.
4. On April 20, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

CONCLUSIONS OF LAW

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, the Petitioner applied for FAP benefits on March 7, 2016. On March 14, 2016, the Department Caseworker conducted a telephone interview where the Petitioner stated that she owned a house in [REDACTED] that was condemned. On April 4, 2016, the Department denied the Petitioner's FAP application due to excess assets because the Petitioner is still the owner of the property in [REDACTED] and she had failed to provide proof that the property had been condemned. On April 20, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 115, 130, 117, and 600. BEM 400, 500, and 501.

During the hearing, the Petitioner stated that the house was unlivable. However, the house has not been condemned by the county in [REDACTED] and the Petitioner is still listed as the owner. As a result, the Petitioner is over the asset limit for FAP benefits.

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 determined that the Petitioner was excess assets for FAP benefits.

