



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: October 24, 2016
MAHS Docket No.: 16-013646
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 October 19, 2016, from Lansing, Michigan. Petitioner appeared and testified. The Department was represented by Hearing Facilitator [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1 – 28 was admitted into evidence.

ISSUE

Did the Department properly deny Petitioner's July 12, 2016, Food Assistance Program (FAP) application, due to excess assets?

Did the Department properly deny Petitioner's July 29, 2016, Medical Assistance (MA) application, 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. On July 12, 2016, Petitioner submitted an Assistance Application (DHHS-1171) for Food Assistance Program (FAP) benefits.
2. On July 19, 2016, Petitioner was sent a Verification Checklist (DHHS-3503).
3. On July 29, 2016, Petitioner submitted an Application for Health Coverage & Help Paying Costs (DCH-1426). Petitioner also submitted information about some of his asset accounts.

4. On August 9, 2016, the Department sent Petitioner a Notice of Case Action (DHHS-1605) which stated his Food Assistance Program (FAP) application was denied.
5. On August 25, 2016, Petitioner submitted information about some of his asset accounts. The verifications Petitioner submitted show that he owns: one [REDACTED] valued at \$ [REDACTED] a second [REDACTED] valued at \$ [REDACTED] a [REDACTED] checking account containing \$ [REDACTED] and a second [REDACTED] checking account containing \$ [REDACTED]
6. On September 6, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice (DHHS-1606) which stated he was not eligible for Medical Assistance (MA) due to excess assets.
7. On September 12, 2016, Petitioner submitted a hearing request about both his Food Assistance Program (FAP) and Medical Assistance (MA) applications.

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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

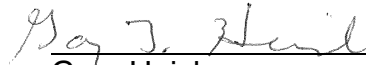
Bridges Eligibility Manual (BEM) 400 Assets provides the asset limits for all assistance programs. For Petitioner, there is: a \$ [REDACTED] asset limit for Food Assistance Program (FAP) eligibility; a \$ [REDACTED] asset limit for SSI Related Medicaid eligibility; and a \$ [REDACTED] asset limit for Medicare Savings Program eligibility. Petitioner does not dispute that he has assets in excess of these limits.

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 Petitioner's July 12, 2016, Food Assistance Program (FAP) application, and his July 29, 2016, Medical Assistance (MA) application, due to excess assets.

DECISION AND ORDER

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

GH/nr



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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]