



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: [REDACTED] May 18, 2017  
MAHS Docket No.: 17-004463  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 [REDACTED], from [REDACTED], Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

### **ISSUE**

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

### **FINDINGS OF FACT**

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

1. Petitioner was a recipient of FAP and State Disability Assistance (SDA) benefits.
2. On [REDACTED], the Medical Review Team (MRT) denied Petitioner's medical review for SDA.
3. Petitioner has a second home with an assessed value of \$ [REDACTED]. Department Exhibit 1, pgs. 365-373.
4. On [REDACTED], the Department Caseworker sent to Petitioner, a Notice of Case Action, that his FAP case would close effective [REDACTED], because he

had excess assets, since the value of his second home puts him over the asset limit for FAP, due to a policy change effective October 1, 2011. Department Exhibit 1, pgs. 374-380.

5. On [REDACTED], the Department received a hearing request from 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 [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, Petitioner was a recipient of FAP and SDA benefits. On [REDACTED], the MRT denied Petitioner's medical review for SDA. Petitioner has a second home with an assessed value of \$ [REDACTED] Department Exhibit 1, pgs. 365-373. On [REDACTED], the Department Caseworker sent Petitioner a Notice of Case Action that his FAP case would close effective [REDACTED], because he had excess assets, since the value of his second home puts him over the asset limit for FAP, due to a policy change effective October 1, 2011. Department Exhibit 1, pgs. 374-380. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action. BEM 105, 130, 220, 600, and 815. BEM 261 and 400.

During the hearing, the Department Caseworker stated that when he was receiving SDA benefits there was no asset test for FAP. However, when his SDA closed because MRT denied his medical review, his second home had to be counted, resulting in excess assets for FAP. If he wins his SDA hearing, then he may be eligible for FAP again.

### **DECISION AND ORDER**

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 Petitioner had excess assets for FAP eligibility since his SDA case closed, resulting in his second home being a countable asset.

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

CF/bb



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**Carmen G. Fahie**  
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]

**Petitioner**

[REDACTED]