



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: [REDACTED] July 17, 2017  
MAHS Docket No.: 17-005877  
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; 42 CFR 438.400 to 438.424; 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], Eligibility Specialist; and [REDACTED], Eligibility Specialist.

### **ISSUE**

Did the Department properly determine that Petitioner's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) 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 [REDACTED], Petitioner applied for MA and FAP.
2. On [REDACTED], the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503 that was due on [REDACTED], for income and asset verification.
3. On [REDACTED], the Department Caseworker received written verification that Petitioner had a savings account balance of \$ [REDACTED] and a checking account balance of \$ [REDACTED]. Department Exhibit 1, pg. 10.

4. On [REDACTED], the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that Petitioner had excess assets for FAP. Department Exhibit 1, pgs. 4-5.
5. On [REDACTED], the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner had excess assets for MA. Department Exhibit 1, pgs. 6-9.
6. 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 (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.

In this case, Petitioner applied for MA and FAP on [REDACTED]. On [REDACTED], the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503 that was due on [REDACTED], for income and asset verification. On [REDACTED], the Department Caseworker received written verification that Petitioner had a savings account balance of \$ [REDACTED] and a checking account balance of \$ [REDACTED]. Department Exhibit 1, pg. 10. On [REDACTED], the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that Petitioner had excess assets for FAP. Department Exhibit 1, pgs. 4-5. On [REDACTED], the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner had excess assets for MA. Department Exhibit 1, pgs. 6-9. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action. BEM 400.

During the hearing, Petitioner stated that he had sold his home, which was where the extra assets came from in his accounts. The asset limit for FAP is \$ [REDACTED] and for MA for a couple is \$ [REDACTED].

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 and MA.

### **DECISION AND ORDER**

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]