



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: August 14, 2017
MAHS Docket No.: 17-009110
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 August 9, 2017, from Lansing, Michigan. Petitioner was represented by herself and her husband [REDACTED]. The Department was represented by Hearing Facilitator [REDACTED] [REDACTED].

ISSUE

Did the Department properly deny Petitioner's May 23, 2017 Food Assistance Program (FAP) application?

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 October 1, 2011, Petitioner and [REDACTED] created the [REDACTED] and [REDACTED] Revocable Living Trust. Their residence at [REDACTED] [REDACTED] was placed in the trust.
2. On May 23, 2017, Petitioner and [REDACTED] submitted an application for Food Assistance Program (FAP) benefits.
3. On June 14, 2017, the Department's Office of Legal Services Trust and Annuities Unit completed an analysis of the trust. In accordance with Bridges Eligibility Manual (BAM) 401 Trusts – MA assets in the principle of a revocable trust are countable assets of an assistance applicant or recipient. The 2017 State Equalized

Value (SEV) of [REDACTED]. The market value of a residential property is generally 2X the SEV.

4. On June 30, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated the Food Assistance Program (FAP) application was denied due to excess assets. In accordance with Bridges Eligibility Manual (BAM) 400 Assets, eligibility for Food Assistance Program (FAP) requires countable assets of \$5,000 or less.
5. On June 30, 2017, Petitioner submitted a hearing request.

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).

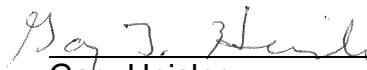
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

During this hearing, Petitioner did not dispute any of the facts listed above. Louis testified that he did not realize the impact of having the house in the trust. Since the home is in the trust it is a countable asset for determining Food Assistance Program (FAP) eligibility. Petitioner's countable assets exceed \$[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 denied Petitioner's May 23, 2017 Food Assistance Program (FAP) application.

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]

Petitioner

[REDACTED]