



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

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Date Mailed: May 13, 2019  
MOAHR Docket No.: 19-003441  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE:** Jeffrey Kemm

**HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 8, 2019, from Lansing, Michigan. ██████████  
██████████ Petitioner, appeared and represented himself. Monica Smith, Eligibility Specialist, appeared for the Department of Health and Human Services (Department). Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 64-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUES**

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

Did the Department properly determine Petitioner's eligibility for Medical Assistance (MA)?

**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 ██████████ ██████████ 2019, Petitioner submitted an application for MA to the Department.
2. On March 14, 2019, the Department detected a potential bank account that belonged to Petitioner and should be counted towards his assets. The

Department contacted Petitioner regarding the bank account, and Petitioner verified that the bank account was his.

3. Petitioner provided a recent bank statement which showed that he had a balance of \$[REDACTED] as of February 12, 2019.
4. On March 27, 2019, the Department issued a notice of case action which notified Petitioner that he was ineligible for FAP benefits effective May 1, 2019, because his assets exceeded the program limit. The Department also issued a health care coverage determination notice which notified Petitioner that he was eligible for Medicare Savings Program (MSP) coverage effective March 1, 2019, but that he was ineligible for full-coverage MA because requested information was not returned.
5. On April 5, 2019, Petitioner requested a hearing to dispute the Department's decisions.
6. On April 17, 2019, the Department issued a health care coverage determination notice which notified Petitioner that he was eligible for Medicare Savings Program (MSP) coverage effective March 1, 2019, but that he was ineligible for full-coverage MA because his assets exceeded the program limit.

### **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).

### **FOOD ASSISTANCE**

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 Department has asset eligibility requirements for FAP benefits. The asset limit is \$5,000.00. BEM 400 (February 1, 2019), p. 5. Asset eligibility exists when assets are less than or equal to the limit during one day during the month being tested. BEM 540, p. 3. Assets include cash and money on deposit in a checking or savings bank account. BEM 540, p. 15-16. Here, Petitioner's assets exceeded the Department's limit because Petitioner had \$[REDACTED] on deposit in a bank account. Since Petitioner's assets exceeded the Department's limit, the Department properly found Petitioner ineligible for FAP benefits.

## **MEDICAL ASSISTANCE**

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.

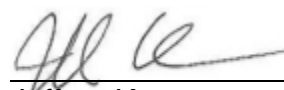
The Department found Petitioner ineligible for full-coverage MA, an SSI related program in Petitioner's case. The Department has asset eligibility requirements for SSI-related MA. The asset limit is \$2,000. BEM 400 (April 1, 2019), p. 7-8. Asset eligibility exists when assets are less than or equal to the limit during one day during the month being tested. BEM 400, p. 6-7. Assets include cash and money on deposit in a checking or savings bank account. BEM 400, p. 15-16. Here, Petitioner's assets exceeded the Department's limit because Petitioner had \$[REDACTED] on deposit in a bank account. Since Petitioner's assets exceeded the Department's limit, the Department properly found Petitioner ineligible for SSI-related MA.

## **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 did act in accordance with its policies and the applicable law when it found Petitioner ineligible for FAP benefits and ineligible for SSI-related MA.

IT IS ORDERED that the Department's decisions are AFFIRMED.

JK/nr



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Jeffrey Kemm  
Administrative Law Judge  
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Dora Allen  
14061 Lappin  
Detroit, MI  
48205

Wayne 76 County DHHS- via electronic mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI  
[REDACTED]