



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

██████████  
██████████  
██████████, MI ██████████

Date Mailed: May 17, 2022  
MOAHR Docket No.: 22-001553  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

### **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. After due notice, a telephone hearing was held on May 11, 2022. Petitioner represented herself. The Department was represented by Kristina Tripp.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly close Petitioner's Food Assistance Program (FAP) benefits?

### **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 ██████████ ██████████ the Department received Petitioner's Assistance Application. Exhibit A, p 23.
2. Petitioner reported on her March 17, 2012, that she owns real property in Ohio. Exhibit A, p 27.
3. On March 31, 2022, Petitioner participated in a mandatory eligibility interview where she reported that she does not own any real property. Exhibit A, p 65.
4. On March 31, 2022, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits. Exhibit A, p 70.
5. Petitioner is the owner of record of a home in Toledo, Ohio, with a value exceeding \$15,000. Exhibit A, p 94.

6. On April 11, 2022, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification by April 21, 2022, of the value of real property in Ohio and whether that property was generating any income. Exhibit A, p 95.
7. On April 14, 2022, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits. Exhibit A, p 103.
8. On April 11, 2022, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, p 4.

### **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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

Assets means cash, any other personal property and real property. Real property is land and objects affixed to the land such as buildings, trees, and fences. Condominiums are real property. Personal property is any item subject to ownership that is not real property. Countable assets cannot exceed the applicable asset limit. An asset is countable if it meets the availability tests and is not excluded. Available means that someone in the asset group has the legal right to use or dispose of the asset. Department of Human Services Bridges Eligibility Manual (BEM) 400 (January 1, 2022), pp 1-7. Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (July 1, 2020), p 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2021), pp 1-10.

On [REDACTED] [REDACTED] [REDACTED] the Department received Petitioner's Assistance Application, and on March 31, 2022, after an eligibility interview, the application was approved.

On April 11, 2022, the Department discovered that Petitioner was the owner of record of a home in Toledo, Ohio, with a value exceeding \$15,000. Owning property in Ohio does not make Petitioner ineligible for Michigan FAP benefits per se, but if that property is not her primary residence, the value of that property is not an excludable asset. On April 11, 2022, the Department requested that Petitioner provide verification of the Ohio property and whether she was receiving any rent from that property while she was living in Michigan. When Petitioner failed to respond in a timely manner to the April 11, 2022, Verification Checklist (DHS-3503), the Department closed Petitioner's FAP benefits.

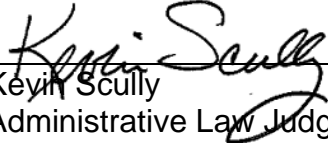
Petitioner argues that she is not the owner of the Toledo property, but she failed to offer any evidence supporting her claim at the hearing or in response to the April 11, 2022, Verification Checklist (DHS-3503).

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 closed Petitioner's Food Assistance Program (FAP) benefits for failure to provide the Department with information necessary to accurately determine her eligibility to receive benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
\_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
Michigan Office of Administrative Hearings  
and Rules (MOAHR)

**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**

Tamara Little  
301 E. Louis Glick Hwy.  
Jackson, MI 49201

Jackson County DHHS- via electronic mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

██████████ - via first class mail

██████████  
██████████, MI ██████████