



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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██████████, MI ██████████

Date Mailed: October 13, 2022
MOAHR Docket No.: 22-003935
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 October 11, 2022, from Lansing, Michigan. Petitioner was represented by himself. Mary Kay Harris testified on Petitioner's behalf. The Department was represented by Andrea Edwards.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for 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 ██████████ 2022, the Department received Petitioner's application for Food Assistance Program (FAP) benefits. Exhibit A, pp 20-26.
2. Department records indicate that on August 11, 2022, Petitioner participated in a routine eligibility interview where Petitioner reported that he was unsure whether he has a trust due to his mental illness. Exhibit A, pp 27-33.
3. On August 11, 2022, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of his trust by August 22, 2022. Exhibit A, pp 17-19.
4. On September 2, 2022, the Department notified Petitioner that he was not eligible for Food Assistance Program (FAP) benefits effective August 5, 2022. Exhibit A, pp 13-16.

5. Department records indicate that Petitioner has available assets from the sale of a hotel that were identified when he applied for benefits previously, and that these unverified assets are being held for him in a life estate. Exhibit A, pp 11-12.
6. On September 7, 2022, the Department received Petitioner's verbal request for a hearing protesting the denial of Food Assistance Program (FAP) benefits. Exhibit A, pp 4-8.

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.

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 (April 1, 2022), 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] 2022, the Department received Petitioner's application for FAP benefits. On August 11, 2022, the Department requested that Petitioner provide verification of available assets held for him in a trust. These potential resources were identified by the Department when Petitioner applied for benefits previously but were not verified. When Petitioner failed to provide verification of his assets held in a trust, the Department notified Petitioner that his application had been denied.

Petitioner testified that he does not have any assets in a trust but failed to offer any evidence that there are no assets held for him in a trust.

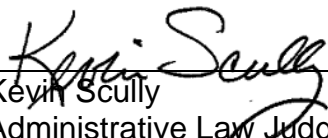
The hearing record supports a finding that Petitioner has available assets in a trust held for him and that there is a trustee managing these assets. Without verification of the value of these assets, the Department is unable to accurately determine his eligibility for FAP benefits.

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 August 5, 2022, application for Food Assistance Program (FAP) benefits for failure to provide the Department with information necessary to determine his 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

Via-Electronic Mail :

DHHS

Andrea Edwards
St Clair County DHHS
220 Fort St.
Port Huron, MI 48060
**MDHHS-STCLAIR-
HEARINGS@michigan.gov**

Interested Parties

St. Clair County DHHS
BSC2
M. Holden
D. Sweeney
MOAHR

Via-First Class Mail :

Petitioner

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