

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
Claimant,

Reg No: 2009-29746
Issue No: 3002
Case No: ██████████
Load No: ██████████
Hearing Date:
August 11, 2009
Manistee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from ██████████ on August 11, 2009.

ISSUE

Whether the Department properly denied Claimant's application for the Food Assistance Program (FAP) through MiCAP?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant is a FAP recipient. She is the sole group member and receives ██████████/mo. in benefits.

(2) The Department sent Claimant a Michigan Combined Application Project (MiCAP) Outreach Application, DHS-513, which stated in pertinent part – “We have good news for you! Because you receive Supplemental Security Income (SSI), you are eligible to receive food benefits from the Michigan Combined Application Project (MiCAP). Once we receive this signed form, we will send you a Michigan Bridge Card and instructions for using the card. We hope you find this way of receiving food benefits easy to use and beneficial to your health.” (Exhibit 1)

(3) On June 18, 2009, the Department received the signed DHS-513 from Claimant. (Exhibit 1)

(4) On June 25, 2009, the Department sent Claimant an Application Eligibility Notice informing her that her application was denied – “You are not eligible for the MiCAP Program for the following reason(s): ALREADY ACTIVE FAP BENEFITS ON ANOTHER CASE. (Exhibit 3)

(5) On July 7, 2009, the Department received the Claimant’s hearing request.

CONCLUSIONS OF LAW

The Michigan Combined Application Project (MiCAP) is a Food Assistance demonstration project approved by the Food and Nutrition Service (FNS). MiCAP is a series of waivers that allows DHS to issue Food Assistance Program (FAP) benefits to Supplemental Security Income (SSI) individuals who qualify for this program. The program is administered by the centrally located MiCAP Unit. Final eligibility determination and redeterminations are the responsibility of the MiCAP Unit. All eligibility factors in this item must be met. BEM 618, p.1

The targeted MiCAP population are SSI individuals with the following characteristics: age 18 or older; receives the maximum SSI amount, but does not receive any other income; meets the Social Security Administration's (SSA) definition of independent living; are not currently active in Food Assistance program and reside in Michigan. BEM 618, p. 1

The MiCap Unit will determine eligibility for MiCAP whenever they receive any of the following: an HR-660, MiCAP SSI openings report, a DHS-513, MiCAP Outreach Application, or a DHS-514, MiCAP Application. The MiCAP Unit will register the application and determine FAP eligibility at application and redetermination. The MiCAP Unit is responsible for completing a file clearance to determine if an individual has a FAP case. If so, the MiCAP application is denied. BEM 618, p. 1-2

In the instant case, Claimant sent a DHS-513, MiCAP Outreach Application, to the Department only because the Department sent it to her and essentially told her to sign and send it back. The Department determined she was already receiving FAP benefits so it denied her application.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in denying Claimant's FAP application through MiCAP.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in denying Claimant's FAP application through MiCAP.

Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 13, 2009

Date Mailed: August 14, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SMB/db

cc:

