

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-33504
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 22, 2009
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on September 22, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case under the Michigan Combined Application Project (MICAP)?

FINDINGS OF FACT

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

- (1) On May 22, 2009, Claimant submitted an application under the MICAP.
- (2) On May 27, 2009, Claimant's Food Assistance Program (FAP) case was opened.

(3) On July 31, 2009, the Department learned that Claimant resides with and buys and prepares food with a female partner and their child in common. Claimant was sent notice that his Food Assistance Program (FAP) case would close.

(4) On August 6, 2009, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 618 MICHIGAN COMBINED APPLICATION PROJECT

DEPARTMENT POLICY

FAP

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.

All eligibility factors in this item must be met.

MiCap Targeted

Population

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.
- Meet the Social Security Administration's (SSA) definition of independent living.
- Are not currently active in the Food Assistance program.
- Reside in Michigan.

NONFINANCIAL ELIGIBILITY FACTORS

Residence

An individual must be a resident of the State of Michigan. A person is considered a resident if they live in Michigan and intend to remain in Michigan.

Age

An individual must be age 18 or older.

FINANCIAL ELIGIBILITY FACTORS

Group Composition

The MiCAP group is always a group of one.

Assets

There is no asset test.

Income

There is no income test.

Claimant does not dispute that he resides with and buys and prepares food with a significant other and their child in common. Under the laws and regulations of the Food Assistance Program (FAP) Claimant could only meet the group of one requirement if he resided

alone. Claimant's residence status makes him ineligible for the Food Assistance Program (FAP) under the MICAP.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides Did the Department of Human Services properly denied Claimant' Food Assistance Program (FAP) application under the Michigan Combined Application Project (MICAP).

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 1, 2009

Date Mailed: October 5, 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.

GFH/ [REDACTED]

cc: [REDACTED]