

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: 2009-35080
Issue No: 3028
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 8, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 held on October 8, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's application for Michigan Combined Application Project (MiCAP) Food Assistance Program (FAP) benefits in August, 2009?

FINDINGS OF FACT

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

1. The claimant was already receiving FAP benefits through the local county DHS office, when he applied for FAP benefits through the MiCAP program. (Department Exhibit 1, 2)

2. The claimant was issued a Notice of Case Action (DHS-1605) on August 6, 2009, the indicated he had been denied for the MiCAP FAP benefits as he was already receiving FAP benefits. (Department Exhibit 3 – 4)

3. The claimant turned in a hearing request on August 31, 2009.

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 states:

MiCAP benefits are targeted to individuals over age 18, in independent living, receiving SSI that are not currently active in the FAP program. BEM 618. In this case, the claimant is receiving SSI, living independently and over age 18. However, the claimant had been previously approved by the local DHS office for regular FAP benefits. Therefore, the claimant is not eligible to receive the MiCAP benefits as he is already receiving FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined the claimant was not eligible for MiCAP FAP benefits in August, 2009, as the claimant is already receiving FAP benefits.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 16, 2009

Date Mailed: November 16, 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.

SLK 

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