

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: 2010-5979

Issue No: 3019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 16, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 December 16, 2009. Claimant appeared and testified.

ISSUE

Did the Department properly close Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. On April 3, 2009, the Claimant received FAP benefits from the MiCap program.
2. On October 08, 2009, the MiCap program initiated closure of case due to the Claimant's ineligibility due to household size.
3. On October 27, 2009, the Claimant requested a 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 (formerly known as the Family Independence Agency) 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).

In the present case, Claimant disputes the closure of her FAP benefits. The Claimant was granted FAP benefits through a pilot program. This pilot program is for single SSA clients. The Claimant testified she received an application in the mail for the program and had indicated on the form that she had more than herself in her home. However, the specialist from MiCap testified the original application failed to ask about other household members. The Claimant was granted benefits and remained active until she informed MiCap she had moved and informed them of her household group size. At which point, MiCap placed the case into closure since she no longer met the requirements of the program.

Relevant policy can be found in BEM Item 618, p. 1-4:

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.
- Meets the Social Security Administrations (SSA) definition of independent living (Living arrangement A).
- Resides in Michigan.
- Purchases and prepares food separately.
- Are not currently active in the Food Assistance Program.

Application of MiCAP

A simplified application form, DHS-513, MiCAP Outreach Application has been developed for MiCAP. The MiCAP unit will automatically send a DHS-513 to all SSI individuals that may qualify when their case is opened in Bridges informing them of the program and giving them the opportunity to apply. The DHS-513, MiCAP Application, will be sent to all qualified SSI individuals who do not receive FAP benefits beginning April 1, 2009.

ELIGIBILITY DETERMINATION

The MiCAP Unit will determine eligibility for MiCAP whenever they receive a DHS-513, MiCAP Application.

The MiCAP Unit will register the application and determine FAP eligibility at application and redetermination. Once an individual has been determined eligible, a Bridge card will be issued if an individual has never received one.

The MiCAP Unit is responsible for:

- Running the MiCAP Application Report (Social Security Administration interface) daily and mailing DHS-13, MiCAP Application, to individuals on report.
- Completing a file clearance to determine if an individual has an active FAP case.
- Registering the application on Bridges.
- Completing the case actions and certification of eligibility in Bridges.
- Referring individuals to customer service at 1-888-678-8914 to assign a Bridge card personal identification number and for Bridge card replacements.
- Maintaining the MiCAP case record.

BENEFITS

Benefit Period

Once an individual is determined eligible for MiCAP, eligibility will be for a 36 month benefit period. A redetermination of eligibility will be completed every 36 months. Food Assistance benefits continue for the duration of the benefit period unless an individual is no longer eligible for MiCAP.

Eligibility for MiCAP begins the first day of the month the application is received in the MiCAP unit via U.S. mail, fax or

local office referral. The begin date of the benefit period for MiCAP is always the first day of the application month. There is no proration of benefits.

Benefit Amount

The amount of FAP benefits a MiCAP individual receives is determined by their total shelter, heat and utility expenses. If an individual's total expenses are below \$600, the FAP benefit is \$84 per month. If the total expenses are equal to or exceed \$600, the benefit amount is \$129 per month.

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.

ONGOING ELIGIBILITY

Once eligible, eligibility continues until redetermination unless an individual:

- Loses SSI eligibility.
- Moves out of state.
- Is ineligible due to a change in the SSA living arrangement code.
- Dies.
- Becomes a mandatory member of a relative's active FAP case.

- An adult child, age 18-22, who meets the criteria under **MiCAP Targeted Population** may receive MiCAP benefits even if living with parents.
- SSI individual has a baby and applies for Food Assistance benefits at a DHS local office. The SSI individual is a mandatory member of the baby's active FAP case.

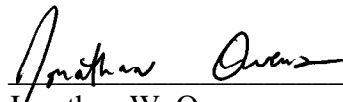
The Claimant was granted benefits that she was not eligible to receive based upon the MiCap program guidelines. However, if the Claimant applied directly for FAP benefits through the Department she would have been eligible for FAP benefits. The MiCap program correctly determined the Claimant ineligible for their program and initiated case closure.

While this Administrative Law Judge believes a more appropriate method could be created to handle such a situation the MiCap staff did follow the policies as currently outlined. In the future, the Department should consider having the MiCap staff refer such cases directly to the Department prior to closure to help prevent loss in benefits for those otherwise eligible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department policy.

Accordingly, the Department's decision is UPHELD.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/23/10

Date Mailed: 03/24/10

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.

JWO/dj

cc:

