

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: 2010-6100

Issue No: 3004, 0618

Case No:

Load No:

Hearing Date:

March 4, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 4, 2010. The Claimant appeared and testified. The Department and MiCAP representative also appeared.

ISSUES

Whether the Claimant was properly denied Food Assistance ("FAP") benefits under the MiCAP program.

FINDINGS OF FACT

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

1. The Claimant currently receives SSI, FAP and Medicaid benefits and has had no break in receipt of benefits.
2. The Claimant applied for FAP through the MiCAP program and was denied because he was already receiving FAP assistance

3. The Claimant receives FAP through his local Department of Human Services Office in Oakland County.
4. The Claimant receives \$688.00 each month in SSI benefits.
5. The Claimant receives \$200.00 each month in Food Assistance benefits.
6. September 17, 2009, the Department received the Claimant's written hearing request.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the DHS pursuant to MCL 400.10 *et seq* and MCL 400.105. Department policies are found in the BAM, and BEM and the Bridges Reference Manual ("BRM").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105, p. 1 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for Supplemental Security Income ("SSI") recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To

receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.*

BEM 618 sets forth the MiCAP eligibility requirement for FAP benefits. 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:

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

The Claimant does not meet the eligibility factors for MiCAP because he is currently receiving Food Assistance.

In this matter, the Claimant applied through MiCAP for Food Assistance Benefits when he was already receiving FAP. The MiCAP program provides FAP benefits for those clients when they are not otherwise eligible or receiving benefits from other programs and have no other

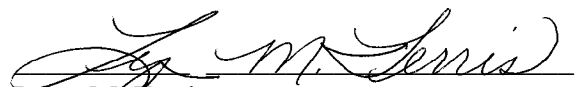
income through other programs. The MiCAP program properly denied the Claimant benefits because he is eligible for FAP benefits and is receiving same.

During the hearing, the Claimant expressed his need for low income housing as he is currently residing in a motel because no low income housing programs are open. The Claimant's caseworker provided the Claimant with the referral list and cannot assist the Claimant further with housing as no further assistance to the Claimant is currently available. While the Administrative Law Judge sympathizes with the Claimant's plight, there is nothing further that can be addressed to assist the Claimant with regard to locating low income housing and that the Department has fulfilled its obligations in that regard. This issue was raised for the first time at the hearing and was not mentioned in the notice of hearing but is addressed solely to acknowledge the Claimant's raised concern with regard to housing.

Based upon the foregoing findings of fact and conclusions of law, it is found that the claimant's application was properly denied by MiCAP pursuant to BEM 618 and that the claimant is currently receiving both FAP and Medicaid.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's actions are AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/24/10

Date Mailed: 03/26/10

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.

LMF/dj

cc:

