

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: 2010-14576
Issue No: 3002; 3028
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 4, 2010
Delta County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 three-way telephone hearing was held on February 4, 2010. Claimant did not appear. Appearing and testifying on claimant's behalf was his authorized representative [REDACTED]. In addition to Delta County staff, Susan Hamilton, MiCAP Supervisor participated in the hearing from her office in Lansing.

ISSUE

Did the department issue correct amount of Food Assistance Program (FAP) benefits to the claimant for the months of September, October and November, 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. On September 21, 2009, claimant submitted a FAP and State Emergency Relief (SER) application to the local county office.
2. Local county office could not process claimant's FAP application as he was already receiving food stamps under the MiCAP. In order for the claimant to have his FAP application of September, 2009 processed by the local county office, his MiCAP case had to be closed, as computer system would not allow the county to process the case otherwise in order to prevent duplicate issuance of benefits.
3. Claimant then requested that his MiCAP case be closed and this action took place effective November 30, 2009.
4. Claimant's FAP benefits were approved for December, 2009.
5. Claimant requested a hearing on December 28, 2009, asking for "back pay" in FAP benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 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. 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. BEM 618.

Hearing testimony reveals that the claimant has been receiving FAP benefits through MiCAP for several months prior to August, 2009. Claimant's representative testified that on August 12, 2009, he reported a change in claimant's rent and utility expense to the local county office. A shelter form was received by the local county office on August 26, 2009, verifying claimant's new rent and utility obligation, which had apparently now increased. Claimant's representative is requesting "back pay" for the FAP benefits claimant did not receive and should have, as a result of the rent increase.

The amount of FAP benefits a MiCAP individual receives is determined by their total shelter, heat and utility expense. 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 benefits amount is \$129 per month. BEM 618, p. 2.

When a MiCAP individual applies for FAP at a DHS local office, the MiCAP specialist is to be contacted to request case closure. BEM 618, p. 3.

Local county office did request claimant's MiCAP case be closed after he applied for FAP on September 21, 2009, but such request was delayed due to some confusion as to the proper handling of this fairly new program.

Departmental policy on processing FAP non-income changes, such as changes in shelter expenses, requires that case actions be completed in time to affect the benefit month that occurs ten days after the change is reported. BAM 220. Claimant did report the change in his shelter on August 12, 2009, but did not verify the new shelter expense until August 26, 2009. MiCAP unit representative testified that if the claimant had reported shelter change to the MiCAP unit, his FAP benefits would have increased to \$129 for September, 2009, as shelter verification is not required for MiCAP.

As far as claimant's FAP benefits for October and November, 2009, claimant did apply for FAP in the local county office on September 21, 2009. Local county office was therefore to request closure of FAP under MiCAP and such closure would have enabled processing of FAP benefits in the amount of \$176 per month for October and November, 2009, according to the hearing testimony and Hearing Summary showing this amount effective December, 2009. Claimant however only received \$84 for each of these months.

In conclusion, MiCAP representative stated that MiCAP unit will issue a FAP supplement to the claimant for September, 2009, to compensate him for reported rent increase of August, 2009. Local county office will issue the claimant a FAP supplement for October and November, 2009, due to the fact his MiCAP case should have been requested closed once he applied for FAP through the county office on September 21, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not issue the claimant correct amount of FAP benefits for September, October and November, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Issue the claimant a FAP supplement for September, 2009, through the MiCAP unit.
2. Issue the claimant a FAP supplement for October and November, 2009, through the local county office.
3. Notify the claimant in writing of these actions.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 16, 2010

Date Mailed: February 22, 2010

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.

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