

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201132464
Issue No: 3028
[REDACTED]
Hearing Date:
June 8, 2011
MiCap/SSPC-98

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 June 8, 2011. The department representative participated from the Mi-CAP Program Office in Lansing and the claimant participated from Detroit.

ISSUE

Did the department properly close or suspend the claimant's application for Michigan Combined Application Project (MiCAP) Food Assistance Program (FAP) benefits April, 2011?

FINDINGS OF FACT

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

1. Since June 1, 2009, the claimant was receiving Supplemental Security Income (SSI) in the amount of [REDACTED] per month. (SOLQ Department Exhibit 2)
2. As of February 12, 2010, the claimant was receiving MiCAP FAP benefits in the amount of [REDACTED] (SOLQ Department Exhibit 2)
3. On April 14, 2011, the department MiCAP program, through a task and reminder from the Social Security Administration (SSA), was advised that the claimant no longer qualified for FAP due to a change in living arrangements. (Department Exhibit 1)

4. The claimant was issued a Notice of Case Action (DHS-1605) on April 11, 2011, that indicated her MiCAP FAP benefits would be closed for the period beginning May 1, 2011. (Department Exhibit 3)
5. On May 1, 2011, the Social Security Administration (SSA) reported that no payment was made to the claimant. (SOLQ Department Exhibit 2)
6. The claimant turned in a hearing request on April 12, 2011. (Request for a Hearing)
7. On June 3, 2011, the claimant received an SSI underpayment in the amount of [REDACTED] (SOLQ Department Exhibit 2)
8. As of June 9, 2011, the SSA coded the claimant's payment status as current (C01). (SOLQ Department Exhibit 2)

CONCLUSIONS OF LAW

The client has the right to request a hearing for any action, failure to act or undue delay by the department. BAM 105. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

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. The department's policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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. BEM 618. Food Assistance benefits continue for the duration of the benefit period unless an individual is no longer eligible for MiCAP. BEM 618.

BEM 618 provides that 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.

Here, the evidence shows that the claimant's SSI payment status is current as of the date of the hearing in the instant matter. The SSA did not provide claimant with her [REDACTED] SSI payment for May, 2011. However, on June 3, 2011, the SSA reinstated the claimant and then provided her with an SSI payment in the amount of [REDACTED]. The SSA's [REDACTED] 0 payment to the claimant indicates that the SSA acknowledged an error which was later corrected. The department has failed to show the claimant's MiCAP FAP benefits should not be continued. The SSA did not definitively and permanently discontinue the claimant's SSI eligibility. There is no evidence that the claimant moved out of the state. The department did not provide evidence that the claimant was ineligible due to a change in her SSA living arrangement code. Nor are there are other exceptions that have been shown that would disrupt the continuation of the claimant's MiCAP FAP benefits. Accordingly, this Administrative Law Judge finds that the claimant's SSI was never closed or suspended and that the department should not close her MiCAP FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly determine the claimant was not eligible for MiCAP FAP benefits and did not properly close her MiCAP FAP benefits on May 1, 2011.

Accordingly, the department's action is REVERSED and the department is ORDERED to reinstate the claimant's FAP benefits back to the date of closure and issue the claimant any retroactive benefits she is entitled to receive.

/s/

C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 10, 2011_____

Date Mailed: June 10, 2011_____

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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.

CAP/db

cc:

