

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201119376
Issue No: 3028
Case No: [REDACTED]
Hearing Date: March 15, 2011
Mi-Cap County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on February 1, 2011. After due notice, a telephone hearing was held on Tuesday, March 15, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

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 an ongoing Food Assistance Program (FAP) recipient under the Michigan Combined Application Project (MiCAP).
2. The Claimant is a Supplemental Security Income (SSI) recipient.
3. The Claimant's SSI benefits were reduced when he started receiving a pension of [REDACTED] per month.
4. On January 20, 2011, the Department notified the Claimant that it would terminate his FAP benefits on January 31, 2011, because he no longer met the requirements of the MiCAP program.

5. The Department received the Claimant's request for a hearing on February 1, 2011, protesting the termination of his FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), 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.

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.

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.

The Claimant was an ongoing Food Assistance Program (FAP) recipient under the Michigan Combined Application Project (MiCAP). The Claimant is a Supplemental Security Income (SSI) recipient. The Claimant lost partial eligibility of his SSI benefits when he began receiving a pension of [REDACTED]. The Claimant's reduction of SSI benefits was based on financial criteria. On January 20, 2011, the Department notified the Claimant that it would terminate his FAP benefits on January 31, 2011, because he no longer receives the maximum SSI amount and receives other income.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for Food Assistance Program (FAP) benefits under the Michigan Combined Application Project (MiCAP).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 22, 2011

Date Mailed: March 23, 2011

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.

KS/vc

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