

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011 29606
Issue No: 3028
Case No: [REDACTED]
Hearing Date:
May 12, 2011
DHS MI-CAP/SSPC

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 May 12, 2011. The Claimant's authorized representative [REDACTED] appeared and testified. [REDACTED], Assistance Payments Supervisor, appeared on behalf of the Department..

ISSUES

Whether the Claimant properly closed the Claimant's Food Assistance ("FAP") case under the MI Cap 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 originally applied for food Assistance (FAP) through the Mi CAP program and was granted FAP benefits.
2. The Claimant currently receives Social Security (RSDI). The Claimant has received RSDI since February 1, 2011. The Claimant's authorized representative confirmed that he now receives RSDI from Social Security.

3. The Claimant stopped receiving SSI as of February 1, 2011. The Claimant's authorized representative confirmed that he no longer received SSI after February 1, 2011. Exhibit 1 SOLQ.
4. The Department closed the Claimant's FAP case February 1, 2011, as the Claimant was no longer receiving SSI.
5. The Claimant's authorized representative filed a hearing request on April 18, 2010, protesting the closure of the Claimant's FAP case.

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 Program Reference Manual ("PRM").

BEM 618 sets forth the Mi Cap 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.

BEM 618 which governs the eligibility for MI Cap FAP benefits provides:

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.

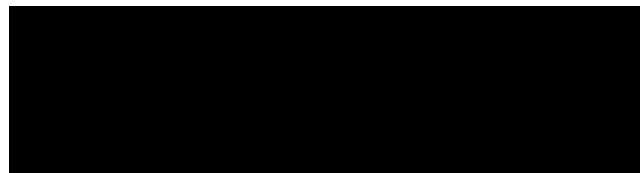
Are not currently active in the Food Assistance Program.
BEM 618 (emphasis supplied)

The Claimant does not meet the eligibility factors for Mi CAP because he is no longer receiving SSI income. The Mi Cap program properly denied the Claimant benefits as he did not meet all the eligibility factors.

Based upon the foregoing findings of fact and conclusions of law it is found that the claimant's case was properly closed by Mi CAP pursuant to BEM 618 as the Claimant no longer receives SSI.

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.



Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 05/18/11

Date Mailed: 05/20/11

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:

 DHS Mi-Cap/SSPC


Administrative Hearings