

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-5295
Issue No.: 3014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 9, 2010
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 a hearing. After due notice, a telephone hearing was held on December 9, 2010. The claimant appeared but did not testify. [REDACTED] appeared and testified as Claimant's Authorized Hearing Representative (AHR). [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Food Assistance Application (FAP) benefits based on a refusal by DHS to apply MiCAP eligibility requirements coupled with Claimant's failure to seek eligibility for all required FAP group members based on non-MiCAP policy.

FINDINGS OF FACT

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

1. Claimant submitted an Assistance Application (DHS-1171) to the local DHS office on 9/24/10.
2. Claimant is an individual with a DOB of 12/29/89.
3. Claimant is an SSI recipient with employment income.
4. Claimant lives in a household with his parents and legal guardians.

5. On 10/18/10, DHS denied Claimant's FAP benefit application because Claimant's parents/guardians were considered required FAP group members and they refused to provide information concerning their income.
6. On 11/5/10, Claimant's AHR requesting a hearing disputing the denial of FAP benefits on the basis that Claimant should have been eligible for MiCAP eligibility which would not require consideration of Claimant's parents' income.

CONCLUSIONS OF LAW

The Food Assistance Program (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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

The Michigan Combined Application Project (MiCAP) is a food assistance demonstration project approved by the Food and Nutrition Service (FNS). BEM 618 at 1. 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. *Id.* The program is administered by the centrally located MiCAP unit. *Id.* Final eligibility determination and redeterminations are the responsibility of the MiCAP unit. *Id.* The targeted MiCAP populations 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.
- Id.*

For all DHS benefits, the Assistance Application (DHS-1171) is used for most applications and may also be used for redeterminations. BAM 110 at 3. For FAP benefits through MiCAP, a simplified application form, DHS-513, MiCAP Outreach Application has been developed for MiCAP. BEM 618 at 1. The MiCAP unit will automatically send a DHS-513 to all SSI individuals that may qualify when the client's case is opened in Bridges (the DHS database) informing them of the program and

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giving them the opportunity to apply. *Id.* The MiCAP Unit will determine eligibility for MiCAP whenever they receive a DHS-513, MiCAP Application. *Id.*

The undersigned interprets a MiCAP eligibility determination for FAP benefits to be a completely separate determination from a determination for FAP benefits. MiCAP determinations must be on a MiCAP application (DHS-513) and submitted to the MiCAP unit.

In the present case, Claimant's AHR submitted a DHS-1171 to the local DHS office seeking FAP benefits for Claimant through MiCAP. Claimant's AHR expectation was that the local office DHS office would apply MiCAP eligibility requirements for Claimant. This expectation is not authorized by DHS policy. MiCAP policies are triggered only when the MiCAP office receives a MiCAP application. The MiCAP unit determines MiCAP eligibility, not local DHS offices. It is found that Claimant is not entitled to a determination of FAP benefits based on MiCAP policies after submitting a DHS-1171 to a local DHS office.

An expectation that an application be transferred to MiCAP is also not authorized. DHS regulations prevent specialists from transferring case records to the MiCAP unit. BEM 618 at 3. For MiCAP eligibility, a MiCAP application must be submitted to the MiCAP unit directly from the client.

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. BEM 212 at 1. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. *Id.*

Claimant's AHR conceded that she and her spouse had no interest in pursuing FAP benefits for Claimant as part of a three-person FAP group. The DHS policy is clear that as long as Claimant is under 22 years of age, he must be a group member with his parents if they reside in the is his parents are in the same household. It is found that DHS properly denied Claimant's application dated 9/24/10 for FAP benefits.

Claimant may be able to obtain a MiCAP application by contacting the MiCAP unit at (877) 416-4227. MiCAP applications can be faxed to (517) 335-6454. Claimant may also apply for MiCAP eligibility by submitting a MiCAP application to the MiCAP unit at:

MiCAP
PO Box 30784
Lansing, MI 48909-4561

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's FAP benefits application dated 9/24/10. The actions taken by DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/14/2010

Date Mailed: 12/14/2010

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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