

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201343616
Issue No: 3028
Case No: [REDACTED]
Hearing Date: May 22, 2013
DHS MICAP SSPC

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received by the Department of Human Services (department) on April 24, 2013. After due notice, a telephone hearing was held on May 22, 2013. Claimant appeared by conference call and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's Michigan Combined Application Project (MiCAP) SSPC office.

ISSUE

Whether the department properly determined Claimant's eligibility for Michigan Combined Application Project (MiCAP) Food Assistance Program (FAP) benefits?

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 was a recipient of MiCAP FAP benefits in the amount of \$186.00 per month at all times relevant to this hearing.
2. On April 18, 2013, the department obtained verification that Claimant's SSI benefits ended effective February 28, 2013. (Department Exhibit 1)
3. On April 18, 2013, the department mailed Claimant a Notice of Case Action (DHS-1605) advising him that, effective May 1, 2013, his MiCAP FAP benefits would be closed for the reason that Claimant no longer meets the criteria to receive MiCAP FAP benefits. (Department Exhibit 2)

4. On April 21, 2013, Claimant requested a hearing protesting the department's closure of Claimant's MiCAP FAP benefits. (Hearing Request)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Food Assistance Program (FAP) was established pursuant to 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 Mich Admin Code 400.30001-3015. 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. 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: (i) loses SSI eligibility; (ii) moves out of state; (iii) is ineligible due to a change in the SSA living arrangement code; (iv) dies; or (v) becomes a mandatory member of a relative's active FAP case. However, BEM 618 further provides as an exception to this ineligibility criteria that an adult child between the ages of 18 and 22 who meets the criteria under the targeted MiCAP population may still receive MiCAP benefits even if living with his or her parents. BEM 618. 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 Administration's definition of independent living;
- resides in Michigan;
- purchases and prepares food separately;
- is not currently active in the Food Assistance Program.

In this case, following the department's verification that Claimant's SSI benefits ended effective February 28, 2013, the department determined that Claimant no longer met the program requirements for MiCAP FAP benefits because Claimant was no longer receiving the maximum SSI amount as his SSI eligibility had ended.

At the May 22, 2013 hearing, Claimant acknowledged that his SSI benefits did indeed end effective February 28, 2013.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the May 22, 2013 hearing, the department acted in accordance with policy in closing Claimant's MiCAP FAP benefits case for failure to meet the program requirements.

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 closing Claimant's MiCAP FAP benefits case for failure to meet the program requirements. Accordingly, the department's action in this regard is **UPHELD**.

IT IS SO ORDERED.

/s/_____

Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 22, 2013

Date Mailed: May 23, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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 this 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - Misapplication of manual policy or law in the hearing decision,
 - Typographical errors, mathematical errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative Hearings System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/aca

cc:

