

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

IN THE MATTER OF:

[REDACTED]

Reg No: 201313038
Issue No: 3028
Case No: [REDACTED]
Hearing Date: January 8, 2013
County DHS: MiCap/SSPC

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 8, 2013. Claimant appeared and testified. The Department was represented by [REDACTED].

ISSUE

Was the Department correct in closing Claimant's Food Assistance Program-MiCap 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 receiving benefits for Food Assistance Program-MiCap benefits based on her receipt of Supplemental Security Income from the Social Security Administration.
2. On [REDACTED], the Department notified Claimant that her FAP-MiCap benefits would close effective September 1, 2012 because she was no longer receiving SSI.
3. On [REDACTED], Claimant filed a hearing request, protesting the closure of FAP-MiCap benefits.
4. Claimant conceded at hearing that she began receiving Social Security widow's benefits in September 2012.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

DEPARTMENT POLICY

FAP

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.

All eligibility factors in this item must be met.

MiCAP Targeted Population

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 code A).
 - Resides in Michigan.
 - Purchases and prepares food separately.
 - Is not currently active in the Food Assistance Program.
- BEM 618.

In the present case, Claimant conceded at hearing that she stopped receiving SSI benefits and began receiving Social Security widows' benefits in September, 2012. Only SSI recipients are entitled to FAP benefits under the MiCap program. BEM 618.

Based upon the above Findings of Fact and Conclusions of Law the Administrative Law Judge concludes that the Department properly closed Claimant's FAP-MiCap benefits due to no longer receiving SSI benefits. BEM 618. Claimant was encouraged to reapply for FAP benefits at hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department did act properly with regard to FAP-MiCap benefits.

Accordingly, the Department's FAP decisions are **AFFIRMED**.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 01/09/2013

Date Mailed: 01/09/2013

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 90 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.

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,

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- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

AM/kl

cc:

