

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

IN THE MATTER OF:



Reg. No: 201337819
Issue No: 3008
Case No: [REDACTED]
Hearing Date: May 2, 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 March 21, 2013. After due notice, a telephone hearing was held on May 2, 2013. Claimant appeared by conference call and provided testimony. The department was represented by [REDACTED], an eligibility specialist, and [REDACTED], an assistance payments supervisor, both with the department's 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. (Department Exhibit 2).
2. On February 25, 2013, the department received Claimant's MICAP Redetermination Form, wherein Claimant reported that he lives with one or more children under the age of 18, he purchases and prepares food with at least one other person with whom he lives, and he is not too disabled to purchase and prepare his own food. (Department Exhibit 2)
3. On March 13, 2013, the department obtained verification that Claimant receives both RSDI and SSI income. (Department Exhibits 3, 5)

4. On March 13, 2013, the department mailed Claimant a Notice of Case Action (DHS-1605) advising him that, effective April 1, 2013, his MiCAP FAP benefits would be closed for the reason that Claimant no longer meets the program requirements. (Department Exhibit 6)
5. On March 19, 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 receipt of Claimant's redetermination paperwork as well as the department's verification of Claimant's receipt of SSI and RSDI income, the department determined that Claimant no longer met the program requirements for MiCAP FAP benefits because Claimant lives with a minor child, with whom he purchases and prepares food, and because Claimant receives other income (RSDI) in addition to his receipt of SSI income. Consequently, the department closed Claimant's MiCAP FAP benefits case.

At the May 2, 2013 hearing, Claimant did not disagree with the information that he had reported in his redetermination paperwork (he resides with a minor child on whose behalf he purchases and prepares food) or with the department's verification that he now receives both SSI and RSDI income.

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 2, 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 2, 2013

Date Mailed: May 3, 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.

201337819/SDS

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:

