

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-24101
Issue No(s): 3001
Case No.: [REDACTED]
Hearing Date: February 26, 2014
County: DHS MI-CAP/SSPC

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 26, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant, and [REDACTED] [REDACTED] mother. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Hearings Coordinator.

ISSUE

Did the Department properly deny Claimant's January 3, 2014 Michigan Combined Application Project (MiCAP) Food Assistance Program (FAP) application?

FINDINGS OF FACT

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

1. On January 3, 2014, Claimant applied for FAP using the MiCAP paper application and indicated he purchases and/or prepares food with others in the home.
2. On January 17, 2014, a Notice of Case Action was issued to Claimant stating the MiCAP FAP application was denied because MiCAP policy requires a group size of one and other household members that purchase and/or prepare food with Claimant would be mandatory group members.
3. On January 27, 2014, Claimant filed a request for hearing contesting the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual

(BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

In general, persons who live together and purchase and prepare food together are members of the FAP group. BEM 212.

Additionally, MiCAP is a series of waivers that allows DHS to issue FAP benefits to Supplemental Security Income (SSI) recipients who qualify for this program. Eligibility factors include the group composition. The MiCAP group is always a group of one. BEM 618.

On January 3, 2014, Claimant applied for FAP using the MiCAP paper application and indicated he purchases and/or prepares food with others in the home. (Exhibit A, pages 3-4) On January 17, 2014, a Notice of Case Action was issued to Claimant stating the MiCAP FAP application was denied because MiCAP policy requires a group size of one and other household members that purchase and/or prepare food with Claimant would be mandatory group members. (Exhibit A, page 5)

Claimant and his mother indicated Claimant erred when he marked that he purchases and/or prepares food with others in the home.

The evidence establishes that the Department properly determined Claimant was not eligible for MiCAP FAP based on the information Claimant provided on the January 3, 2014 application. On the January 3, 2014, Claimant applied for FAP using the MiCAP paper application and indicated he purchases and/or prepares food with others in the home. Pursuant to the BEM 212 policy, these other household members that Claimant purchases and/or prepares food with would be mandatory FAP group members. Accordingly, the Department properly denied Claimant's MiCAP FAP application because the FAP group size was not one, as required by the BEM 618 policy. As discussed during the telephone hearing proceedings, Claimant can re-apply for FAP at any time and provide correct information.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's January 3, 2014 MiCAP FAP application based on the available information.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Signed: March 5, 2014

Date Mailed: March 5, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

201424101/CL

CL/hj

cc:

