

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-003884
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: April 21, 2015
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; and Mich Admin Code, R 792.11002. After due notice, a three-way telephone hearing was held on April 21, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Michigan Combined Application Project (MiCAP) Food Assistance Program (FAP) benefits case?

FINDINGS OF FACT

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

1. Claimant was a recipient of MiCAP FAP benefits.
2. On or about March 19, 2015, Claimant reported an address change.
3. When processing the address change, the Department also verified Claimant's income from Social Security Administration (SSA) issued benefits.
4. The information from SSA indicated Claimant was receiving income from both Supplemental Security Income (SSI) and Retirement, Survivors, and Disability Insurance (RSDI) benefits.
5. The Department determined that Claimant's MiCAP FAP benefits must close because SSI was no longer his only type of income.

6. On March 19, 2015, a Notice of Case Action was issued to Claimant stating the FAP case would close effective April 1, 2015.
7. On March 23, 2015, Claimant filed a hearing request contesting the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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. BEM 618 (July 1, 2014), p. 1.

The targeted MiCAP population are SSI individuals with the following characteristics: age 18 or older; **receives SSI income and no other type of income**; meets the Social Security Administrations (SSA) definition of independent living (Living arrangement code A); resides in Michigan; purchases and prepares food separately; and is not currently active in the Food Assistance Program. BEM 618, p. 1 (emphasis added by ALJ).

In this case, Claimant was a recipient of MiCAP FAP benefits. On or about March 19, 2015, Claimant reported an address change. The Hearing Facilitator explained that when the address change was processed, the Department also verified Claimant's income from SSA issued benefits. The information from SSA indicated Claimant was receiving income from both SSI and RSDI benefits. The Department determined that Claimant's MiCAP FAP benefits must close because SSI was no longer his only type of income.

Claimant's testimony acknowledged that once he turned [REDACTED] SSA determined a portion of his benefits would be RSDI. Claimant contested the amount of the RSDI benefit asserted in the Department's documentation. The Department utilized an SOLQ report

to verify the SSA benefits. The SOLQ report indicates an RSDI benefit amount of \$ [REDACTED] but notes that the amount has not been verified. However, the Hearing Facilitator explained that for MiCAP FAP benefits, the amount of another type of income does not matter. Rather, the receipt of any other type of income, besides SSI, results in an individual no longer being eligible for MiCAP FAP benefits.

The above-cited BEM 618 policy indicates that MiCAP FAP benefits are for individuals that receive SSI income and no other type of income. The evidence establishes that Claimant began receiving some income from RSDI benefits. Accordingly, Claimant's income was no longer solely from SSI benefits with no other type or income. Therefore, the determination to close the MiCAP FAP case must be upheld.

As discussed during the hearing proceedings, Claimant may wish to apply for regular FAP benefits with the Department, i.e. FAP benefits that are not through the MiCAP program.

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 closed Claimant's MiCAP FAP benefits case.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **4/30/2015**

Date Mailed: **4/30/2015**

CL/jaf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

