RICK SNYDER GOVERNOR

# STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS MICHIGAN ADMINISTRATIVE HEARING SYSTEM Christopher Seppanen Executive Director

MIKE ZIMMER



Date Mailed: April 4, 2016 MAHS Docket No.: 16-001695

Agency No.: Petitioner:

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

### **HEARING DECISION**

Following Petitioner'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 telephone hearing was held on March 28, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by Hearing Facilitator and Facilitator and Facilitator Specialist.

### ISSUE

Did the Department properly comply with a previous order requiring that Petitioner's FAP benefits be reinstated effective August 1, 2015?

# FINDINGS OF FACT

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

- Petitioner is an ongoing FAP recipient.
- 2. On or about \_\_\_\_\_ Petitioner's FAP benefits thought the MiCAP unit closed.
- 3. On Petitioner applied for FAP benefits through a local office.
- 4. Petitioner was approved for FAP benefits at a lower amount than he was previously receiving through the MiCAP unit.



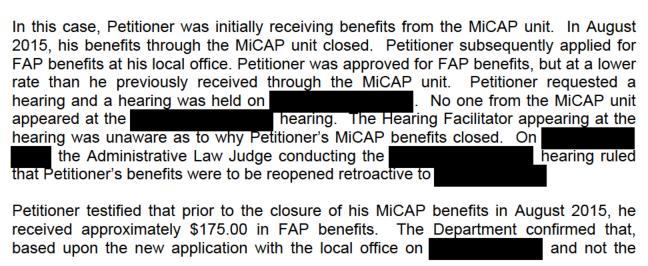
- 5. On the Department sent Petitioner a Notice of Case Action notifying him that his FAP benefits would close effective for failing to return verifications.
- 6. On Petitioner filed a request for hearing disputing the Department's actions.

# **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.

Additionally, 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 allow DHHS 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. [Emphasis added]. Department policy specifically states that the MiCAP program allows DDDHS to issue FAP benefits... As such, DHHS must issue the benefits if eligible.



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reopening of Petitioner's MiCAP benefits, he received \$126.00 in FAP benefits for August and September 2015 and \$122.00 in FAP benefits from October 2015, ongoing. The benefits received from September 2015, ongoing were benefits received from the local office as a result of the new application and not through the reopening of Petitioner's benefits with the MiCAP unit.

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 did not act in accordance with Department policy when it failed to comply with the Decision and Order issued on

# **DECSION AND ORDER**

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER

- 1. Comply with the Department of Health and Human Services reopening Petitioner's FAP benefits as of Technology, if otherwise eligible;
- 2. Issue supplements Petitioner was entitled to receive but did not receive effective ; and
- 3. Notify Petitioner in writing of its decision.

JM/hw

Jacquelyn A. McClinton Administrative Law Judge for Nick Lyon, Director

Department of Health and Human Services

**NOTICE OF APPEAL**: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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 **DHHS** 

Petitioner

