



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: May 3, 2019  
MOAHR Docket No.: 19-003325  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED] [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Jeffrey Kemm

**HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 2, 2019, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared and represented himself. Dawn McCoy, Hearing Facilitator, appeared for the Department of Health and Human Services (Department). Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 17-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Did the Department properly terminate Petitioner's Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. Petitioner is an SSI recipient. Petitioner lives with his partner, [REDACTED] Petitioner and his partner have lived together at the same address for approximately 25 years.
2. Petitioner was a FAP benefit recipient through the Department's Michigan Combined Application Project (MiCAP).

3. The Social Security Administration (SSA) notified the Department that it changed Petitioner's living arrangement classification to B, which stands for household of another.
4. The Department received an alert that SSA changed Petitioner's living arrangement classification. The Department then reviewed Petitioner's eligibility and determined that he did not meet the eligibility requirements for MiCAP based on his new living arrangement classification.
5. On March 8, 2019, the Department issued a notice of case action which notified Petitioner that he was ineligible for FAP benefits effective April 1, 2019.
6. On April 8, 2019, Petitioner requested a hearing to dispute the Department's decision.

### **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 Department acted in accordance with its policies when it terminated Petitioner's FAP benefits because Petitioner was receiving benefits through MiCAP and Petitioner did not meet the eligibility requirements for MiCAP. The eligibility requirements for MiCAP include: (a) client must be an SSI recipient; (b) client must have no income other than SSI; (c) client must be at least 18 years old; (d) client must be a resident of Michigan; and (d) client must live independently. BEM 618 (January 1, 2019), p. 1. Based on the change in living arrangement classification reported to the Department by the SSA and based on Petitioner's testimony that he lived with his partner, Petitioner did not meet the requirement that he must live independently. Thus, Petitioner was ineligible for FAP benefits through MiCAP.

**DECISION AND ORDER**

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 act in accordance with its policies and the applicable law when it terminated Petitioner's FAP benefits.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



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Jeffrey Kemm  
Administrative Law Judge  
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

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

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Nicolette Vanhavel  
235 S Grand Ave Ste 1207  
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48933

MiCap/SSPC County DHHS- via  
electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI  
[REDACTED]