



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: August 13, 2019
MOAHR Docket No.: 19-006765
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, a telephone hearing was held on August 8, 2019, from Lansing, Michigan. Petitioner represented himself. The Department of Health and Human Services was represented by Dawn McCoy.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's benefits under the Michigan Combined Application Project (MiCAP)?

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 [REDACTED] [REDACTED] 2019, the Department received Petitioner's MiCAP Redetermination Form (DHS-542). Exhibit A, pp 7-9.
2. Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED] Exhibit A, p 12.
3. Petitioner receives monthly oil subsidy income in the gross monthly amount of \$ [REDACTED] and his Supplemental Security Income (SSI) benefits are adjusted by this amount. Exhibit A, p 11.
4. On June 17, 2019, the Department notified Petitioner that his Michigan Combined Application Project (MiCAP) benefits would close effective July 1, 2019. Exhibit A, pp 13-16.

5. On June 28, 2019, the Department received Petitioner's request for a hearing protesting the closure of his Michigan Combined Application Project (MiCAP) benefits. Exhibit A, pp 3-4.

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 Michigan Department of Health and Human Services (MDHHS) to issue Food Assistance Program (FAP) benefits to Supplemental Security Income (SSI) individuals who qualify for this program. Department of Health and Human Services Bridges Eligibility Manual (BEM) 618 (January 1, 2019), p 1.

The targeted MiCAP population is 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.

BEM 618, p 1.

Petitioner was an ongoing recipient of MiCAP assistance when the Department discovered that he was receiving income in addition to his SSI income. Department policy (BAM 618) prohibits MiCAP recipients from receiving any other type of income other than SSI. Therefore, the Department closed Petitioner's MiCAP benefits.

Even though Petitioner's oil subsidy income does not change his gross monthly income, Department income does not allow him to received assistance under the MiCAP program if he receives any income other than SSI.

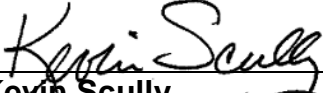
Petitioner is potentially eligible for assistance under the Food Assistance Program (FAP), but he will need to file an application for that program for his eligibility to be considered.

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 Petitioner's Michigan Combined Application Project (MiCAP) benefits because he no longer meets the criteria for that program.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
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
Lansing, MI 48933

DHS MiCAP Hearings via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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