



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]

Date Mailed: November 17, 2020  
MOAHR Docket No.: 20-006131  
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 November 4, 2020. Petitioner was represented by his stepmother [REDACTED] and Petitioner testified on his own behalf. The Department was represented by Elizabeth Burgett.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) 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], 2020, the Department received Petitioner's Michigan Combined Application Project (MiCAP) application. Exhibit A, pp 10-11.
2. Petitioner is responsible for a monthly housing expense of \$350 per month. Exhibit A, p 10.
3. On September 12, 2020, the Department notified Petitioner that he was eligible for a \$40 monthly allotment of Food Assistance Program (FAP) benefits effective October 1, 2020. Exhibit A, pp 12-17.
4. On September 28, 2020, the Department received Petitioner's request for a hearing protesting the size of his Food Assistance Program (FAP) allotment. Exhibit A, pp 3-8.

## **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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

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. The program is administered by the centrally located MiCAP unit. Final eligibility determination and redeterminations are the responsibility of the MiCAP unit. Department of Health and Human Services Bridges Eligibility Manual (BEM) 618 (October 1, 2020), p 1.

The amount of Food Assistance Program (FAP) benefits MiCAP individuals receive is determined by their total shelter expenses, (shelter plus heat and utility expenses). If an individual's total shelter expenses are:

- Below \$525, the FAP benefit is \$40 per month.
- Between \$525 and \$749 the FAP benefit is \$105 per month.
- Equal to or exceed \$750, the FAP benefit amount is \$185 per month.

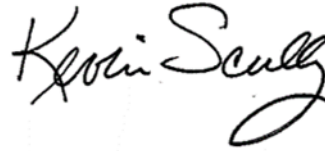
BEM 618.

On February 28, 2020, the Department received Petitioner's Michigan Combined Application Project (MiCAP) application. It was not disputed that Petitioner meets the criteria to receive food assistance under MiCAP. Petitioner did not dispute that he is responsible for housing expenses of \$350 per month. On September 12, 2020, the Department determined that Petitioner is eligible for a \$40 monthly allotment of FAP benefits in accordance with BEM 618.

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 determined Petitioner's eligibility for Food Assistance Program (FAP) benefits as of October 1, 2020.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.



KS/nr

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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  
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DHS MI-CAP SSPC- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

