



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: November 10, 2020  
MOAHR Docket No.: 20-006146  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Landis Lain**

### **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; 42 CFR 438.400 to 438.424; 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 October 29, 2020, from Lansing, Michigan. The Petitioner was represented by Petitioner [REDACTED]. The Department of Health and Human Services (Department) was represented by Lisa Ashbay-Singh, Assistance Payments Worker.

### **ISSUE**

Did the Department properly reduce 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 was a FAP benefit recipient.
2. Petitioner was receiving \$100.00 in FAP benefits.
3. On October 1, 2020, Petitioner's FAP benefits were reduced to \$40.00 per month because of the FNS directed MiCAP benefit change.
4. On September 12, 2020, the Department sent Petitioner Notice of Case Action indicating the reduction.

5. On September 24, 2020, Petitioner filed a Request for Hearing to contest the Department's negative action.
6. On September 25, 2020, the Michigan Office of Administrative Hearings and Rules received a Hearing Summary and attached documents.

### **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.

Pertinent Department Policy indicates:

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.

All eligibility factors in this item must be met.

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.

## Michigan Combined Application Project (MiCAP)

### BEM 618

The MiCAP Food Assistance Program (FAP) monthly benefit amount and shelter expenses is now a three-tier benefit amount.

If an individual's total shelter expenses (shelter plus heat and utility expenses) are:

- Below \$525, the FAP benefit is \$40 per month.
- Between \$525 to \$749 the FAP benefit is \$105 per month.
- Equal to or exceed \$750, the FAP benefit amount is \$185 per month. (BEM 618, BPB 2020-wrk031, 10-1-2020)


A review of Petitioner's case reveals that the Department budgeted the correct amount of household expenses. Petitioner's FAP benefits were reduced because of a rule change rather than a change in her circumstances. Petitioner pays \$219.00 in household expenses and she receives only SSI as income. Petitioner's deductions and shelter allotment are governed by Food Assistance Program policy and FNS and cannot be changed by the Department or this Administrative Law Judge. If Petitioner provides the Department with information that Petitioner's circumstances have changed, the Department can reassess Petitioner's eligibility for increased Food Assistance Program benefits.

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 has established by the necessary competent, material and substantial evidence on the record that it was acting in accordance with Department policy when it determined that Petitioner was eligible for a \$40.00 per month in Food Assistance Program benefits. The Department has established its case by a preponderance of the evidence.

### DECISION AND ORDER

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

LL/hb

  
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**Landis Lain**  
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**

DHS MI-CAP SSPC

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

[REDACTED]  
MI