



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: November 18, 2020
MOAHR Docket No.: 20-006240
Agency No.: ██████████
Petitioner: ██████████ ██████████

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 her father ██████████ ██████████. The Department was represented by Jaime Morgan.

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. Petitioner was an ongoing Food Assistance Program (FAP) recipient under the Michigan Combined Application Project (MiCAP) when the Department initiated a routine review of her eligibility for ongoing benefits.
2. Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$██████████ effective October 1, 2020. Exhibit A, p 8.
3. The Department received information from the Social Security Administration (SSA) showing that Petitioner's living arrangement is classified as living in "another's household" or "Living arrangement code B". Exhibit A, p 11.
4. On September 16, 2020, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits as of October 1, 2020. Exhibit A, pp 13-17.

5. On September 25, 2020, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) 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) 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.

In order to remain eligible for food assistance under MiCAP, all eligibility factors must be met, which includes the requirement to meet the Social Security Administration's definition of independent living (Living arrangement code A). BEM 618, p 1.

Petitioner receives monthly SSI in the gross monthly amount of \$[REDACTED] which is the benefit amount for an individual living in the household of another. Department of Health and Human Services Reference Table Manual (RFT) 248 (January 1, 2020), p 1. Petitioner's living arrangement is classified by SSA as "another's household" and "code B." Based on this information, the Department determined that Petitioner is not eligible for MiCAP benefits and on September 16, 2020, the Department notified her that her food assistance would close effective October 1, 2020.


Petitioner's representative argued that he is disputing the classification of Petitioner's living arrangement with the SSA but did not dispute that her living arrangement is presently classified as "code B" by the SSA. Petitioner's representative also did not dispute that Petitioner's current level of SSI benefits is \$[REDACTED] per month.

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 that Petitioner is not eligible for Food Assistance Program (FAP) under the Michigan Combined Application Project (MiCAP) based on how her living arrangements are classified by the Social Security Administration.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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 MI-CAP SSPC- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

██████████ - via first class mail
██████████
██████████, MI
██████████

Authorized Hearing Rep.

██████████ - via first class mail
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██████████, MI
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