



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: September 30, 2022
MOAHR Docket No.: 22-003626
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 September 28, 2022, from Lansing, Michigan. Petitioner was represented by ██████████ ██████████ and Petitioner testified on her own behalf. The Department was represented by Ricarla Carter.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application 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 ██████████ ██████████ 2022, the Department received Petitioner's application for Food Assistance Program (FAP) benefits under the Michigan Combined Application Project (MiCAP). Exhibit A, p 13.
2. On Petitioner's ██████████ ██████████ 2022, application form, Petitioner checked both yes and no in response to the question "Do you have any other income other than SSI?" Exhibit A, p 13.
3. The Department requested verification of her income by August 1, 2022. Exhibit A, p 1.
4. On August 16, 2022, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits under the Michigan Combined Application Project (MiCAP). Exhibit A, p 7.

5. On August 23, 2022, the Department received a Request for Hearing for Medicaid Enrollees, Pace Enrollees or Waiver Applicants. Exhibit A, p 3.

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. Department of Health and Human Services Bridges Eligibility Manual (BEM) 618 (October 1, 2021), 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.

On ■■■■■ 2022, the Department received Petitioner's MiCAP application. Petitioner application contained an ambiguous statement about her income. When the Department did not receive a response to its request for Petitioner to provide verification that would clarify her countable income, it notified Petitioner that her application had been denied.


Petitioner's representative argued that Petitioner does not receive any income other than Supplemental Security Income (SSI) benefits, and that she is eligible for MiCAP 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 acted in accordance with Department policy when it denied Petitioner's MiCAP application based on the information that was available to the Department at that time, and because Petitioner failed to provide the Department with information that would have allowed the Department to make an accurate eligibility determination.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings and
Rules (MOAHR)

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

Via Electronic Mail:

DHHS

Nicolette Vanhavel
235 S Grand Ave Ste 1207
Lansing, MI 48933

Interested Parties

DHS MI-CAP SSPC
M. Holden
D. Sweeney
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
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[REDACTED], MI [REDACTED]

Authorized Hearing Rep.

[REDACTED]
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