

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**

[REDACTED] HAYKEVICH  
[REDACTED]

Reg. No: 201248411  
Issue No: 3022  
Case No: [REDACTED]  
Hearing Date: May 29, 2012  
Washtenaw County DHS

**ADMINISTRATIVE LAW JUDGE:** Corey A. Arendt

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 29, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED]. [REDACTED] interpreted the hearing.

**ISSUE**

Due to a failure to comply with the verification requirements, did the Department properly  deny Claimant's application  close Claimant's case  reduce Claimant's benefits for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?        | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)?  |
| <input type="checkbox"/> Medical Assistance (MA)?                  |   |

**FINDINGS OF FACT**

I find as material fact, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses:

1. Claimant  applied for  was receiving: FIP FAP MA SDA CDC.
2. On or around October 10, 2011, [REDACTED] assigned [REDACTED] to receive information from the Department on his behalf.
3. On March 28, 2012, the Claimant was provided with a verification checklist. The checklist requested information pertaining to other unearned income.

4. The verification checklist was due by April 9, 2012.
5. On April 3, 2012, Zina Averkiev submitted to the Department verifications concerning other unearned income.
6. On April 1, 2012, the Department closed the Claimant's FAP benefits.
7. On April 16, 2012, the Department provided the Claimant with notice of the FAP closure.
8. On April 19, 2012, the Claimant filed a hearing request, protesting the closure.

### **CONCLUSIONS OF LAW**

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The FAP [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

**Local offices must assist clients who need and request help to complete applications, forms and obtain verifications; see BAM 130, Obtaining Verification.**

The Department in this matter was well aware of a language barrier as well as the Claimant's use of a third party to receive and submit verifications. Nonetheless, the Department closed the Claimant's FAP case after they didn't receive documentation regarding specific verification items. However, the Department was not very specific about the other unearned income they were requesting verification on.

In this case, the Claimant's third party submitted verification items regarding all of the unearned income the Claimant was receiving at that time. Based on the testimony and the evidence presented, I do not find anything to indicate the Claimant or his third party would have been aware of other unearned income which required verification.

If the Department was looking for prior unearned income they should have been more specific with the verification checklist and not used generic provisions.

Therefore, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I conclude the Department improperly closed the Claimant's FAP case.

**DECISION AND ORDER**

I find based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did not act properly in closing the Claimant's FAP case.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligibility for FAP benefits beginning April 1, 2012 and issue retroactive benefits if otherwise eligible and qualified.

/s/  
\_\_\_\_\_  
Corey A. Arendt  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: May 30, 2012

Date Mailed: May 30, 2012

**NOTICE:** Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the receipt date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
- misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

201248411/CAA

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

CAA/cr

cc:

