

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-26681

Issue No: 2001

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 1, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on October 1, 2009. The claimant appeared and testified. [REDACTED], mother, also appeared and testified on claimant's behalf. Marcela Coleman, FIM, appeared on behalf of the department.

ISSUE

Whether the Department properly closed the claimant's Adult Medical Program (AMP) benefits.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing recipient of AMP benefits.

2. On April 15, 2008, the Department issued a Verification Checklist indicating a date of May 8, 2008 to attend the required interview and to provide the requested verifications. (Exhibit 6)
3. Claimant did not attend the interview or submit the requested verifications.
4. On May 8, 2008, the department issued a Notice of Missed Interview instructing the claimant to reschedule the interview before May 20, 2008. (Exhibit pg. 3)
5. On May 20, 2008, the department closed the AMP benefits as there had been no contact from claimant.
6. Claimant testified did not timely receive the Verification Checklist and was not able to attend the interview and return the requested verifications because he was incarcerated.
7. Claimant mailed a note to DHS on May 22, 2008, letting the department know he was in jail and would be in contact as soon as he was released. (Exhibits 1-2)
8. Claimant was incarcerated for 75 days and was not released until June 18, 2008.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The department periodically re-evaluates cases to ensure that eligibility for program benefits continues. A redetermination is a periodic, thorough re-evaluation of all eligibility factors to determine whether the group continues to be eligible for program benefits. PAM 210. Clients must cooperate with the local office in determining initial and ongoing eligibility

including completion of necessary forms. PAM 105. Allow clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. If the 10th day falls on a weekend or holiday, the verification would not be due until the next work day. PAM 210. A negative action notice is to be sent when the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM 130.

In the present case, claimant's ongoing AMP benefits case was up for redetermination. The department issued the Verification Checklist on April 15, 2008, with an interview date and due date of May 8, 2008. (Exhibit 6) Claimant did not attend the interview or submit the verifications by the due date. On May 8, 2008, the department issued a Notice of Missed Interview instructing the claimant to reschedule the interview before May 20, 2008. The department closed the AMP benefits on May 20, 2008 as there had been no contact from claimant.

Claimant provided credible testimony that he did not receive the verification checklist timely because he was incarcerated. Claimant notified the department of his incarceration in a note he mailed May 22, 2008. The note was received by the Department on May 28, 2008; however claimant's AMP benefits had already closed on May 20, 2008.

Further, even if the department had received claimant's note prior to the May 20, 2008 deadline, claimant's AMP benefits would still have closed. Under PEM 640 certain AMP eligibility factors must be met including institutional status. For AMP, if the period of incarceration continues beyond thirty days the client is no longer eligible for AMP and the case should be closed. PEM 265. Claimant testified his incarceration lasted 75 days.

Based upon the foregoing facts and relevant law, it is found that the department's AMP determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed claimant's AMP benefits. Claimant had not responded to the verification checklist or notice of missed interview by the final May 20, 2008 deadline. Further, claimant was no longer eligible for AMP because his incarceration lasted more than 30 days.

Accordingly, the department's AMP determination is **AFFIRMED**.

/s/

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 5, 2009

Date Mailed: October 5, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings 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.

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.

CL/cv

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