

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]

Reg. No: 2009-33401

Issue No: 2001

Case No: [REDACTED]

Hearing Date:

October 20, 2009

Manistee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 20, 2009, in Manistee. Claimant personally appeared and testified under oath.

The department was represented by Marlene Hanses (FIM) and Bertha Saucedo (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's Adult Medical Program (AMP) application? due to claimant's failure to verify his eligibility, as requested?

FINDINGS OF FACT

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

- (1) On May 6, 2009, claimant applied for AMP.
- (2) On May 8, 2009, the caseworker sent claimant a DHS-3503 (Checklist) requesting eligibility verifications. The due date for providing the eligibility verification list was May 18, 2009.

- (3) Claimant failed to return the DHS-3503—Checklist by the May 18, 2009 due date.
- (4) On May 21, 2009, the caseworker denied claimant's AMP application based on his failure to return the required verifications by May 18, 2009.
- (5) After the Negative Action Notice was sent, on May 21, 2009, claimant submitted the requested verification.
- (6) Even though the MA-P application had been denied, due to failure to verify, the caseworker ran a budget to see if claimant met the required income limits for AMP benefits.
- (7) Claimant was receiving unemployment benefits at the time he applied for AMP. After running the eligibility budget, the caseworker determined that claimant had excess income for AMP purposes.
- (8) On July 14, 2009, claimant requested a hearing.

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's income and eligibility policies provide that claimant must verify his financial eligibility for AMP, as requested by the department in order to establish AMP eligibility. BEM 500, 518, and 550.

The department's manual provides that claimants, who fail to verify their financial eligibility within the time frame established by the department, do not qualify for AMP assistance. BEM 500.

The preponderance of the evidence in the record establishes that claimant received a DHS-3503, Eligibility Checklist, requesting income and asset verifications from claimant. The due date for supplying the income and asset verifications was May 18, 2009. Claimant failed to submit the necessary verifications until May 21, 2009, after the department had denied his application and sent out a denial notice.

In summary, the department has established, by competent, material and substantial evidence on the record that it acted in compliance with department policy when it denied claimant's application for AMP on May 18, 2009. Furthermore, claimant did not meet his burden of proof to show that the department's denial of his application was reversible error.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant did not meet the financial eligibility requirements for the AMP program on May 21, 2009, when his application was denied.

Accordingly, the department's denial of claimant's AMP application is, hereby, AFFIRMED.

SO ORDERED.



Jay W. Sexton
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 6, 2011

Date Mailed: July 7, 2011

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.

JWS/tg

cc:

