

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: 2009-16778

Issue No: 2006; 2001

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 16, 2009

Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on June 16, 2009.

ISSUE

Was the claimant's AMP redetermination properly denied for a failure to provide verifications?

FINDINGS OF FACT

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

- (1) In January, 2009, claimant's AMP came up for an annual redetermination.
- (2) On 12-15-08, claimant was sent a DHS-3503, Verification Checklist.
- (3) Among the requested verifications were requests for her bank statements.
- (4) Claimant was given a due date for these verification of 1-8-09.

(5) Claimant was also told that she would be given a phone interview on 1-15-08, and to have all verifications turned in by that date at the very latest.

(6) Claimant returned some verifications; she did not return the bank statement.

(7) Claimant did not attend the interview, and only contacted the Department again on 1-26-09.

(8) Claimant's case was put into negative action on 1-15-09, and a notice was sent that her case was pending to close for a failure to verify required information.

(9) Claimant left a message for her caseworker on 1-26-09 stating that she was sorry that they had not connected and stated that she had left all her paperwork in her initial packet.

(10) On 1-27-09, claimant's case closed.

(11) On 1-28-09, claimant turned in her bank statement; unfortunately her AMP case had already closed.

(12) On 2-9-09, claimant filed for hearing, alleging that she had been unable to contact her caseworker and did not realize she needed to turn in the bank statement.

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).

A DHS-1171, Assistance Application must be completed when eligibility is re-determined. PAM 210. An application is considered incomplete until it contains enough information to determine eligibility. PAM 115. Eligibility is determined through a claimant's

verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. PAM 130. All assets must be verified. PEM 400.

The Department alleged that claimant was told back in mid-December of the need to verify all assets, and did not comply until after her case had closed. The Department argued that claimant had more than enough time to submit all required verifications. The undersigned agrees.

The Department submitted evidence that showed clearly that claimant was notified of all required verifications in December. One such required verification was a bank statement. While claimant did turn in other required verifications, verification of an important asset such as a bank account is a necessary step to determining claimant's asset eligibility. Furthermore, claimant missed her interview scheduled for 1-15-09. While the claimant argues that she had a legitimate reason for missing it, the undersigned ultimately finds the missed meeting irrelevant. Only relevant is the fact that claimant did not turn in the requested verification until her case had already closed. Claimant testified that she turned it in as late as 1-30-09; however, the Administrative Law Judge will assume that the Department was aware of the verification on the date of the stamp on the paper, 1-28-09.

When claimant did not attend the meeting on 1-15-09, the Department sent out a negative action notice on that day to alert claimant that her case was pending to close, and she needed to submit the requested verifications. Allowing for transit time, this means claimant had at least 10 days from the date she received the negative action notice to turn in the verifications. While the claimant alleges that she didn't know she had to turn in the bank statement specifically, she

never contacted the Department to find out. The Administrative Law Judge is willing to assume that up to that point, claimant was unaware of her mistake. However, upon receipt of the negative action notice, claimant was aware there was a problem with her case, and was under a duty to rectify this problem. However, she did not make a serious attempt to rectify the situation until 1-26-09, the day before her case closed, and then, only attempted to address the problem by heading to DHS and leaving a written message for her case worker that apologized for missing the appointment and stating that she had thought she had left all the paperwork necessary.

This was insufficient. While the claimant did state at this time she had left two messages, two phone messages in a 10 day period is not a particularly serious attempt to address the problem with her case. Had claimant tried repeatedly to contact her caseworker and had been continually rebuffed, the Administrative Law Judge might be persuaded that the Department had failed in its duty to alert the claimant to the problems. However, we have here a continuing pattern of negligence on behalf of the claimant. She did not attend her interview, she only attempted to contact the Department twice after receiving the negative action notice, she did not visit the Department until the day before her case would close to attempt to address the issue, and then, finally, when she did find out what the problem was (ostensibly on the 26th), claimant did not turn in the verification until the day after the case closure.

For this reason, the Administrative Law Judge holds that the Department was correct in its decision to close claimant's case. The Department can only be held to the standard of making the correct decision at the time using the information it had in its possession. The Department was unable to determine eligibility on the day of case closure. Claimant did not provide the information until the day after closure. Claimant had been given a month and a half to provide the verifications. Claimant had been lax in addressing the problems of her case. Therefore, the Department was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's AMP redetermination was correct.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.

/s/ _____
Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 2, 2009


Date Mailed: July 2, 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.

RJC/cv

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