

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.: 2009-3577  
Issue No.: 2001  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
April 22, 2010  
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Taylor, Michigan on Thursday, April 22, 2010. The Claimant appeared, along with [REDACTED] and testified. [REDACTED] from Adult Protective Services was present. [REDACTED], [REDACTED], and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's Adult Medical Program ("AMP") benefits effective July 28, 2008?

FINDINGS OF FACT

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

1. The Claimant was an AMP recipient.
2. On June 30, 2008, the Department mailed the annual redetermination packet to the Claimant requesting the information be returned by July 10, 2008. (Exhibit 1)

3. The information was not received and on July 11, 2008, the Department pended the AMP case for closure. (Exhibit 3)
4. On July 16, 2008, the Department received an application reportedly from the Claimant. (Exhibit 2)
5. On this date, the Department deleted the negative action.
6. On July 17, 2008, the Department discovered that the submitted application was blank thus pended the Claimant's AMP case for closure. (Exhibits 2, 4, 5)
7. The Department did not receive the requested information during the negative action period.
8. As a result, on July 29, 2008, the Claimant's AMP case terminated.
9. On October 20, 2008, the Department received the Claimant's signed written request for hearing. (Exhibit 3, p. 2)

#### CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("DHS"), formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Department policies are Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manuals ("PRM"). The Adult Medical Program ("AMP") is part of the MA program. PEM 500

Clients must complete and sign the application. PAM 115 An application must be registered with the receipt date, if it contains the applicant's name, birth date, address, and signature. PAM 105 A redetermination is a periodic, thorough reevaluation of all eligibility factors to determine whether the group continues to be eligible for program benefits. PAM 210

Clients must cooperate with local offices in determining ongoing eligibility. PEM 105 Conversely, the local office must assist clients who ask in completing forms or gathering verifications. PEM 105 If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. PAM 130 If no evidence is available, the Department should use its best judgment. PAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it.

In the record presented, the Department sent the redetermination packet to the Claimant to determine continued eligibility under the AMP program. The information was not received by July 10, 2008 thus the case was pended for closure effective July 23, 2008. On July 16<sup>th</sup>, an application was received so the Department deleted the negative action. Upon further review, the Department discovered that the application was blank therefore the AMP case was pended for closure effective July 29, 2008. The Claimant did not believe he submitted a blank application but was ultimately unsure of what he submitted in July of 2008. There was no communication between the Claimant and the Department during the negative action period with the exception of a telephone call where the Department agreed to assist the Claimant in filling out the documentation on July 28<sup>th</sup>. The Claimant did not call or show up for the appointment. As a result, the AMP benefits terminated on July 29, 2008. On October 20, 2008, the Department received the Claimant's written request for hearing. The hearing request related to the July 11, 2008 negative action which was ultimately deleted. That being stated, the request

for hearing clearly indicates that the Claimant was protesting the closure of his AMP benefits which occurred on July 29<sup>th</sup> thus the hearing request is timely. Ultimately, under the facts presented, it is found that the Department established it acted in accordance with department policy when it terminated the Claimant's AMP benefits. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department established it acted in accordance with department policy when it terminated the Claimant's AMP case in July of 2008.

Accordingly, it is ORDERED:

The Department's AMP determination is AFFIRMED.

*Colleen M. Mamelka*

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Colleen M. Mamelka  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 4/30/2010

Date Mailed: 4/30/2010

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.

CMM/jlg

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