

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: 2010-10144
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 4, 2010
Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Tuesday, May 4, 2010. The claimant personally appeared and testified with her roommate, [REDACTED] as a witness.

ISSUE

Did the department properly close the claimant's Adult Medical Program (AMP) based on the claimant's failure to provide the required verification?

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 a recipient of AMP.

(2) Subsequently, the department caseworker received an e-mail from a third party liability casualty unit that the claimant was awarded a settlement. (Department Exhibit 1-8)

(3) On October 26, 2009, the department caseworker sent the claimant a Verification Checklist for the claimant to verify income and assets with a due date of November 6, 2009 because she received information that the claimant had a settlement in August 2009 in the amount of [REDACTED] where the department caseworker would need proof of this income, all assets, and income from the settlement. (Department Exhibit 1-7)

(4) On November 9, 2009, the department caseworker did not receive the required verification and the claimant's AMP case was pended to close with an effective date of action November 21, 2009. (Department Exhibit 1-3, 1-6)

(5) On November 20, 2009, the department received a hearing request from the claimant contesting the department's negative action, which resulted in the department caseworker deleting the negative action pending the hearing.

(6) During the hearing, the claimant stated that she was on vacation and had not received the Verification Checklist until she returned.

(7) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to send out a new Verification Checklist once the claimant has provided written verification of her vacation.

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to send out a new Verification Checklist once the claimant has provided written verification of her vacation. If the claimant does not agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed settlement.

The department is **ORDERED** to redetermine the claimant's eligibility for AMP by sending a new Verification Checklist to determine assets and income once the claimant provides written verification of her vacation timeline, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 18, 2010

Date Mailed: June 18, 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.

2010-10144/CGF

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CGF/vc

cc:

