

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: 2010-29027

Issue No: 3008

Case No:

Load No:

Hearing Date:

May 5, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from Lansing, Michigan on May 5, 2010.

ISSUE

Whether the Department properly terminated Claimant's Adult Medical Program (AMP) case based upon his failure to provide requested verification(s)?

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 a FAP and AMP recipient.
- (2) Claimant did not return his Redetermination, DHS-1010, by the March 1, 2010 due date. He missed his Redetermination appointment(s) on March 1, 2010 and March 11, 2010.

(3) On March 30, 2010, the Department called and explained to Claimant that his Redetermination and verifications needed to be returned by March 31, 2010 or his FAP and AMP cases would close.

(4) On March 30, 2010, Claimant returned a shelter verification form and a request for hearing on his AMP benefits.

(5) On March 30, 2010, the Department received Claimant's hearing request protesting the termination of his AMP benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. BAM 130, p.1 A collateral contact is a direct contact with a person, organization or

agency to verify information from the client. BAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. BAM 130, p. 4 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. BAM 130, p.4

Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. BAM 130, p. 6

Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. BAM 600, p. 11

In the instant case, Claimant did not timely return his Redetermination, missed two Redetermination interview dates and, only after a phone call by the Department the day before his benefits were closing, did he return a shelter verification form. Curiously, Claimant also filed for a hearing on his AMP benefits on this date which suggests that he thought that his AMP benefits were going to terminate. However, with that said, there is no question that he was at the Department on March 30th and his testimony that he stapled his shelter verification form to the Redetermination and put it in the drop box was credible. The undersigned requested that the Department produce the shelter verification form to see if there was, in fact, a staple mark, but the Department did not do so. I do not find, based on the testimony and documentation offered at hearing, that the Department

established that it acted in accordance with policy in terminating Claimant's AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in terminating Claimant's AMP benefits.

Accordingly, the Department's AMP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Send claimant a Redetermination, DHS-1010, for AMP benefits and process it retroactive to the closure date.
- (2) Issue Claimant supplemental benefits he is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.
- (4) Claimant retains the right to request a hearing if he would like to contest the Department's revised determination.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 11, 2010

Date Mailed: May 13, 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 60 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.

SB/lk

cc:

