

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: 2010-32127
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 14, 2010
Marquette County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 July 14, 2010.

ISSUE

Whether the department properly determined claimant's eligibility for Adult Medical Program (AMP).

FINDINGS OF FACT

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

(1) During December 2009 and January 2010, claimant was a recipient of AMP. His assistance was due for review in January 2010.

(2) December 15, 2009, the department sent claimant a notice of his AMP January review with an appointment established January 5, 2010. Department Exhibit A, pgs 6-9.

(3) January 5, 2010, the department sent claimant notice of missed appointment. Department Exhibit A, pg 1.

(4) January 15, 2010, the department sent claimant timely notice that his AMP assistance would be cancelled. Department Exhibit A, pgs 2-3.

(5) January 25, 2010, claimant advised department that he had not received his review materials. The department agreed to put copies with the receptionist and informed claimant that they must be completed and returned before the month end. Department Exhibit A, pg 5.

(6) February 3, 2010, claimant provided his review materials but his AMP assistance had already terminated.

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 must periodically redetermine an individual's eligibility for active program. The redetermination process includes thorough review of all eligibility factors. Verifications are due the same date as the redetermination/review interview. BRIDGES (department computer system) allows clients a full ten (10) calendar days from the date the verification is requested to provide all documents and information. BRIDGES gives timely

notice of a negative action if the time limit is not met. Bridges Administrative Manual (BAM) 210; Chapter 21 of the Social Security Act; (1115)(a)(1) of the SSA.

Timely notice is given for a negative action unless policy specifies adequate or no notice. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pending to provide the client a chance to react to the proposed action. BAM 220; Chapter 21 of the Social Security Act; (1115)(a)(1) of the Social Security Act.

In this case, the department properly sent claimant notice of his review appointment and required proofs. Claimant did not attend his scheduled interview and the department properly sent him a notice of missed appointment. Claimant did not respond and the department properly sent notice that his assistance would terminate. At hearing, claimant testified that he did not receive his review papers through the mail but did pick up a duplicate set at the department on January 25. Claimant asserted that he tried to turn in his papers prior to the end of the month but the receptionist would not accept them due to the fact that he did not have pay stubs with them. Claimant could not recall the person that he spoke with at the reception desk. The department credibly testified that receptionists are trained to accept any papers that clients turn in. Receptionists are not permitted to turn away papers and the reason for this is that receptionists have no way of knowing what the particular caseworker assigned to that client is requesting or needs. Accordingly, the department has met its burden of proof that it took the appropriate actions on claimant's AMP assistance and its action must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly determined claimant's eligibility for Adult Medical Program benefits.

Accordingly, the department's action is, hereby, UPHELD.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 18, 2010

Date Mailed: August 19, 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.

JAB/db

cc:

