

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201037535
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 26, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held on July 26, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Adult Medical Program (AMP) benefits due to Claimant's failure to submit a Redetermination.

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 an ongoing AMP recipient.
2. DHS mailed Claimant a Redetermination (DHS-1010) on 3/16/10
3. Claimant's AMP benefit period was scheduled to end 4/30/10.
4. DHS mailed Claimant a Notice of Case Action on 4/19/10 advising Claimant of the pending AMP benefits closure effective 5/1/10.
5. Claimant failed to submit the DHS-1010 prior to the end of his benefits period.

6. Claimant's failure to submit the DHS-1010 was due to a period of time where Claimant was incarcerated and attending substance abuse programs.
7. On 5/1/10, DHS terminated Claimant's AMP benefits.
8. On 5/21/10, Claimant requested a hearing disputing the termination of his AMP benefits. Claimant also disputed a closure of FAP benefits but testified that the issue concerning his FAP benefits is no longer in dispute.

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 (formerly known as the Family Independence Agency) pursuant to MCL 400.10, et seq.. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them. DHS offers many programs through which MA benefits may be obtained. AMP is one of the various MA programs offered by DHS.

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination vary based on the program scheduled for review. A Redetermination (DHS-1010) is an acceptable redetermination form for any program redetermination. *Id.* at 5. Failure by a client to submit any of the needed documents during the benefits period, including a DHS-1010, results in denial of the redetermination and case closure. *Id.* at 8.

In the present case, it is not disputed that DHS properly mailed Claimant a Redetermination (DHS-1010) and, in response, Claimant failed to return the DHS-1010 or any other documents. Claimant contends that he received the DHS-1010 but was unable to return it because he was incarcerated and enrolled in substance abuse programs from 2/11/10 through the end of his benefits period.

DHS policy does not require a good cause determination regarding a client's failure to return documents. Some exceptions may be appropriate for clients who can establish

that documents were not received through no fault of their own (e.g. mail service was faulty or DHS mailed the documents to the incorrect address). Generally, the consequence for clients that do not timely return redetermination documents is stoppage of benefits. The appropriate remedy for such clients is to reapply for benefits.

The undersigned is sympathetic to Claimant's circumstances. AMP benefits are not always available to new applicants and a closure of benefits results in an indefinite suspension from receiving benefits until DHS reopens the program to new applicants. Though the penalty of a termination of benefits is harsher for AMP recipients than it is for any other programs, the policy is consistent; Claimant is not excused from timely returning redetermination documents. It is found that DHS properly terminated Claimant's AMP benefits effective 5/1/10 due to Claimant's failure to submit redetermination documents.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's AMP benefits due to Claimant's failure to submit a Redetermination.

/s/



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 30, 2010

Date Mailed: July 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 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.

4
CG / hw

201037535/CG

cc:

