

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.: 2010-45156  
Issue No.: 2001  
Case No.: [REDACTED]  
Hearing Date: December 13, 2010  
Wayne County DHS (17)

**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 December 13, 2010. The claimant's authorized hearing representative, [REDACTED], appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

**ISSUE**

Whether DHS properly allowed Claimant's Adult Medical Program (AMP) benefits to expire due to Claimant's alleged failure to complete redetermination requirements.

**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. Claimant's AMP benefits were scheduled to end 4/30/10.
3. On an unspecified date prior to 4/30/10, Claimant's mother ([REDACTED]) submitted a Redetermination (DHS-1010) to DHS.
4. Claimant's DHS specialist failed to receive the submitted DHS-1010.
5. On 4/19/10, DHS mailed Claimant a Notice of Case Action informing Claimant that AMP benefits would be terminated on 4/30/10 due to Claimant's alleged failure to submit a DHS-1010.

6. Claimant's mother requested a hearing on 4/29/10 disputing the termination of AMP benefits.

### **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. 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.

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.* AMP is a program within the MA benefit program.

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 redetermination 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 was not disputed that a DHS-1010 was mailed to Claimant. Claimant's mother testified that she had her son complete the DHS-1010 and she returned the DHS-1010 to DHS prior to the end of her son's AMP benefit period. DHS contends that no redetermination documents were received and that Claimant's benefits properly closed.

Claimant's mother stated that her son was not trustworthy in completing documents and that she was responsible for the submission of his documents. She stated that she

201045156/CG

submitted a DHS-1010 in the DHS drop-box but could not remember what date the document was submitted. She also stated she signed the drop-box log.

The drop-box is a box located in the DHS lobby which allows clients to submit documents without having to see their assigned specialist. The drop-box log allows clients to sign their name when they drop off documents so there is some record of the submission.

The DHS witness testified that she personally checked the drop-box log from 3/15/10 through 4/30/10 and was unable to locate Claimant's mother's signature. The log was not presented as evidence and Claimant's mother was not given an opportunity to check the log. Nevertheless, the testimony, if taken as accurate is compelling evidence that no redetermination document was submitted to DHS on behalf of Claimant.

In Claimant's favor, it was not disputed that Claimant's mother submitted a hearing request on 4/29/10, a date prior to the end of Claimant's benefit period. The undersigned considers this evidence that Claimant's redetermination was not ignored by Claimant's mother and tends to make it more likely that a redetermination document was submitted. Also, if DHS had informed Claimant's mother on 4/29/10 that the DHS-1010 could have been submitted that day to satisfy Claimant's AMP redetermination requirements, she would have likely complied. By submitting the DHS-1010 prior to the end of the benefits period would have negated the closure based on a failure to submit redetermination documents.

Based on the presented evidence, the undersigned is willing to give Claimant the benefit of the doubt that his mother submitted a DHS-1010 on his behalf. Due to the amount of documents that DHS receives in a day, it is reasonable to believe that the document may have been lost by DHS. It is also reasonable that the DHS witness might have overlooked Claimant's mother's signature on the drop-box log or that Claimant's mother forgot to sign the log, though she testified that the log was signed. It is found that Claimant timely submitted a DHS-1010 prior to the end of Claimant's AMP benefit period.

As DHS currently does not have a DHS-1010 for Claimant, Claimant will have to submit one so that DHS may evaluate Claimant's eligibility for AMP benefits effective 5/2010. The below decision and order reflect this requirement.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's AMP benefit effective 5/2010. It is ordered that DHS mail Claimant a DHS-1010 in accordance with their policies and upon its return, evaluate Claimant for AMP eligibility beginning from 5/2010. The actions taken by DHS are REVERSED.

*Christian Gardocki*

---

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

Date Signed: 12/27/2010

Date Mailed: 12/27/2010

**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.

CG/jlg

cc:

