

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: 2010-46152
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 2, 2010
Oscoda County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 September 2, 2010, in Mio. Claimant personally appeared and testified under oath.

The department was represented by Alice Stone (FIS) and Tammy Darajas (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly close claimant's AMP (April 30, 2010) due to claimant's failure to verify ongoing eligibility on or before April 9, 2010?

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 is a former AMP recipient.
- (2) Claimant's AMP eligibility was due for an eligibility review in April 2010.

(3) On March 16, 2010, the caseworker sent claimant redetermination forms with a due date of April 9, 2010.

(4) Claimant did not return the required eligibility verification forms by the April 9 due date.

(5) On April 19, 2010, the caseworker sent claimant a negative action notice. The notice states:

AMP will close effective April 30, 2010 due to claimant's failure to verify ongoing eligibility.

(6) On April 23, 2010, claimant called her caseworker. The caseworker notified claimant that her AMP verification forms were due no later than April 30, 2010. The caseworker notified claimant that failure to submit the required verification forms by April 30 would result in closure of claimant's AMP case.

(7) Claimant did not submit the required verifications by April 30.

(8) On April 30, 2010, claimant's AMP was closed by the department's computer due to claimant's failure to verify her ongoing eligibility by April 30, 2010.

(9) On May 3, 2010, claimant submitted some of the paperwork requested by the worker. However, claimant's AMP case was already closed when the additional information was submitted.

(10) On May 17, 2010, claimant requested a hearing.

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 following policies apply to the issues raised by claimant:

VERIFICATIONS

All Programs

All clients must take action within their ability to obtain verifications. DHS staff must assist when necessary. See PAM/BAM 130, PEM/BEM 720, PAM/BEM 105, and PAM/BAM 500.

Current department policy requires AMP recipients to cooperate with the local office in determining initial and ongoing eligibility for AMP benefits.

This includes completion of the necessary forms, face-to-face meetings, when requested, and verifying all income and assets. PAM/BAM 105.

The preponderance of the evidence in the record shows that claimant was notified that she was required to verify her ongoing eligibility for AMP by April 30, 2010.

Since claimant did not submit the required AMP verifications by the April 30, 2010 due date, the caseworker correctly decided to close claimant's AMP case.

A careful review of the record reveals no evidence of arbitrary or capricious action by the local office in processing claimant's AMP eligibility review.

Therefore, the action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested AMP eligibility verifications from claimant by April 30, 2010. Furthermore, claimant failed to provide the necessary documentation of her AMP eligibility which was due in the local office by April 30, 2010.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 20, 2010

Date Mailed: September 21, 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.

JWS/tg

cc:

