

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: 2010-15384
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 2, 2010
Bay County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on March 2, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Adult Medical Program (AMP) case due to his failure to provide required documents?

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 recipient of benefits under the Adult Medical Program (AMP). Claimant's Adult Medical Program (AMP) was due for re-determination before December 31, 2009.

- (2) On November 16, 2009, Claimant was sent a Redetermination Form (DHS-1010). The form also scheduled an interview for December 3, 2009.
- (3) On December 3, 2009, Claimant did not attend the scheduled interview. A Notice of Missed Appointment (DHS-254) form was sent to Claimant.
- (4) On December 18, 2009, Claimant was sent a Notice of Case Action (DHS-1605) stating his Adult Medical Program (AMP) would close effective January 1, 2010.
- (5) On December 31, 2009, the Department had not received necessary documentation to re-determine Claimant's eligibility for the Adult Medical Program (AMP). Claimant's Adult Medical Program (AMP) was closed.
- (6) On January 11, 2009 Claimant submitted a request for hearing about the Adult Medical Program (AMP).

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 Program Reference Manual (PRM).

In this case, Claimant does not dispute receiving all the notices sent by the Department or that he did not return the required documents within the required time frame. Claimant asserts he was unable to return the documents because of his health and mental status. Claimant requests that he be put back in the Adult Medical Program (AMP).

The claimant's request is not within the scope of authority delegated to this Administrative Law Judge pursuant to a written directive signed by the Department of Human Services Director, which states:

Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

Furthermore, administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. *Michigan Mutual Liability Co. v Baker*, 295 Mich 237; 294 NW 168 (1940); *Auto-Owners Ins Co v Elchuk*, 103 Mich App 542, 303 NW2d 35 (1981); *Delke v Scheuren*, 185 Mich App 326, 460 NW2d 324 (1990), and *Turner v Ford Motor Company*, unpublished opinion per curium of the Court of Appeals issued March 20, 2001 (Docket No. 223082).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Adult Medical Program (AMP) case due to his failure to provide required documents.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 12, 2010

Date Mailed: March 25, 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.

GFH [REDACTED]

cc: [REDACTED]