

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 18099
Issue No. 4003;2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
June 23, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on June 23, 2010. The Claimant appeared and testified. The Department also appeared through its representative Rhonda Clark, Assistant Payment Worker.

ISSUE

Whether the Department properly closed the Claimant's AMP and SDA for failure to return the requested verifications and complete the redetermination within the time period provided.

FINDINGS OF FACT

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

1. Claimant attended the Michigan Rehabilitation Services (MRS) until November 2009 at which time he could no longer attend and advised his

caseworker. As a result of his no longer participating in the MRS program the Claimant became ineligible for AMP and SDA.

2. The claimant was sent a redetermination form to complete regarding his AMP (Adult Medical Program) and SDA (Disability Cash Assistance) on November 14, 2009.
3. The Claimant did not complete the redetermination form and did not return it.
4. In an effort to assist the Claimant, the Claimant's caseworker sent him a Medical Determination Verification Checklist on December 1, 2009 to assist the Claimant in applying for Medicaid and SDA cash benefits.
5. The Claimant received the Verification Checklist forms and requested an extension to file the information. An extension was granted to the Claimant, but he never returned the form or any of the requested documents and information.
6. The Claimant had difficulty obtaining the documents from the various medical providers. The Claimant did not ask for assistance in obtaining the information.
7. On January 9, 2010, a Notice of Case Action was sent to the Claimant. The Claimant's AMP and SDA was closed due to the Claimant's failure to verify the requested information to determine eligibility. The Department's action, closing the Claimant's cases, was correct and not in error.
8. At the hearing, the Department agreed to assist the Claimant in completing the redetermination paperwork and in obtaining the necessary medical verifications; as well as, help the Claimant complete the forms,

including the medical release forms and Activities Daily Living Log; and assist the Claimant in filling out the new applications for SDA and Medicaid Disability

9. As a result of this agreement and the Claimants understanding, the Claimant decided to not proceed further with the hearing and agreed to accept this assistance.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) Program which provides financial assistance for disabled persons in established by 2004 PA 344. The Department of Human Services (DHS or Department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R400.3151-400.3180. Department policies are found in the Bridges Manual (BM) and Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

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 (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BPRM).

Under BAM 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the Department has agreed to fully assist the Claimant in filling out all the necessary paperwork and forms; complete his application for Medicaid Disability and SDA; as well as the necessary medical verification forms required by the Medical Determination Verification Checklist from his primary physician and his other doctors so his application may be processed. In addition, the Department agreed to assist the Claimant in completing additional forms in the Medical Determination Verification Checklist which requires his completion.

As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

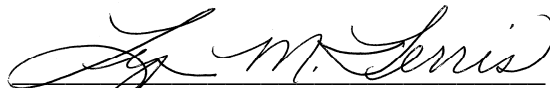
Accordingly, it is ORDERED:

The Notice of Case Action of January 9, 2010, closing the Claimant's AMP and SDA, is correct and is AFFIRMED.

The Department shall assist the Claimant in completing the necessary applications for Medicaid Disability and SDA.

The Department shall assist the Claimant in completing and processing the necessary Verifications for information set forth in the Medical Determination Verification dated December 1, 2009 as reissued, including seeking the necessary

medical information from the Claimant's doctors, obtaining medical records, and completing the forms that require the Claimant's personal completion.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/07/10

Date Mailed: 07/08/10

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.

LMF/dj

cc:

