

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: 2010-20147

Issue No: 2001

Case No:

Load No:

Hearing Date:

April 14, 2010

Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from Lansing, Michigan on April 14, 2010.

ISSUE

Whether the Department properly determined Claimant's Adult Medical Program (AMP) eligibility?

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 was an AMP recipient.
2. At BRIDGES conversion on March 13, 2009, Claimant was switched to MA-P disability medicaid due to Department error.

3. Claimant received MA-P coverage from April 1, 2009 until January 1, 2010.

4. At review, the Department discovered its error and terminated Claimant's MA-P coverage.

5. The Department was unable to restore Claimant's AMP benefits due to an issue with BRIDGES.

6. On December 29, 2009, the Department mailed Claimant a Notice of Case Action which informed him that his Medicaid case was closed because he was "not aged, blind, disabled, under 21, pregnant, or parent/caretaker relative of dependent child. Disability/blindness determination made by DHS". (Exhibits 7-8)

7. On January 11, 2010, the Department received Claimant's hearing request protesting the Department's FAP and AMP eligibility determinations.

8. At the time of hearing, Claimant indicated that he did not have any dispute with the Department's FAP determination.

#### 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 Bridges Reference Manual (BRM).

Claimant's AMP case was closed and/or not reopened due to Department error. Based on the testimony and documentation offered at hearing, I do not find that the

Department established that it acted in accordance with policy in terminating Claimant's AMP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in terminating Claimant's AMP eligibility.

Accordingly, the Department's AMP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Reinstatement Claimant's AMP benefits retroactive to the closure date.
- (2) Issue Claimant supplemental benefits he is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.
- (4) Claimant retains the right to request a hearing if he would like to contest the Department's revised determination.

/s/ \_\_\_\_\_  
Steven M. Brown  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: April 15, 2010

Date Mailed: April 16, 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 60 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.

SB/lk

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