

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: 2010-29279
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 5, 2010
Ionia County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 May 5, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly determine the claimant's Adult Medical Program (AMP) case should close for failure to provide required verifications in March, 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. The claimant was receiving Food Assistance Program (FAP) and AMP benefits when a Redetermination form (DHS-1010) was mailed to the claimant on February 9, 2010.
(Department Exhibit 1 – 4)

2. On February 26, 2010, the claimant was mailed a Verification Checklist (DHS-3503) that required her to submit proof of income by March 8, 2010. (Department Exhibit 5 – 6)

3. On March 4, 2010, the claimant submitted two paycheck stubs. (Department Exhibit 7 – 8)

4. The department mailed the claimant a Notice of Case Action (DHS-1605) on March 12, 2010, that informed the claimant her FAP and AMP would be closing effective April 1, 2010. (Department Exhibit 9 – 13)

5. The department reinstated the claimant's FAP benefits and mailed her a Notice of Case Action informing her of such on March 15, 2010. While the department attempted to re-open the claimant's AMP, the Bridges computer system did not allow it to do so. (Department Exhibit 14 – 18)

6. The claimant submitted a hearing request on March 18, 2010.

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 department indicates that the claimant did submit the required verifications within the time limits. The claimant was mailed a Verification Checklist on February 26, 2010, with a due date of March 8, 2010. This checklist required the claimant to submit proof of income. The claimant did submit paycheck stubs on March 4, 2010. Therefore, the department should not have closed the claimant's case for failure to return the required verifications.

The department did attempt to correct the closure. On March 15, 2010, the department was able to reinstate the claimant's FAP benefits, thus there is no FAP hearing issue. However, the department was unable to reinstate the claimant's AMP benefits, as the Bridges computer system would not allow them to do so. The department representative testified that a report has been provided to the Information Technology department, but the error has not been corrected.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed the claimant's AMP case in March, 2010.

Accordingly, the department's determination is REVERSED.

The department shall:

1. Reinstate the claimant's AMP back to the date of closure, April 1, 2010.
2. Inform the claimant in writing that the AMP closure has been corrected and that the claimant's AMP has been restored.

SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 19, 2010

Date Mailed: May 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.

SLK [REDACTED]

cc:

[REDACTED]