

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: [REDACTED]  
Issue No: 2001  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 19, 2010  
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 August 19, 2010. The claimant personally appeared and provided testimony, along with her mother, [REDACTED].

ISSUE

Did the department properly close the claimant's Adult Medical Program (AMP) benefits for failure to return the required verifications in December, 2009?

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 a recipient of AMP benefits.
2. The claimant was mailed a New Hire Client Notice (DHS-4635) and a New Hire Employment Report (DHS-4635A) on October 29, 2009. The New Hire Employment Report

was to be completed, signed, dated and returned to the department by November 9, 2009.

(Department Exhibit 1 – 3)

3. The department did not receive the form back from the claimant, so the claimant was mailed a Notice of Case Action (DHS-1605) on November 16, 2009, closing her AMP case.

(Department Exhibit 7 – 10)

4. The claimant submitted a hearing request on February 12, 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states:

#### **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

##### **Responsibility to Cooperate**

##### **All Programs**

**Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.**

##### **Refusal to Cooperate Penalties**

##### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5.

##### **Verifications**

##### **All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

### **Assisting the Client**

#### **All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. BAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, Item 130, p. 1.

#### **Timeliness Standards**

##### **All Programs (except TMAP)**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. BAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM, Item 130, p. 4.

In this case, the claimant is disputing the closure of her AMP benefits. The claimant admitted that she did receive the New Hire Employment Report. The claimant also admits that the form was not completed and returned until after the due date. The claimant testified that she believes she sent in the form around November 15, 2009. The claimant submitted a copy of the completed New Hire Employment Report. The form is completed by the claimant and signed and dated November 15, 2009.

The department must evaluate continuing eligibility for any programs the claimant is receiving. The New Hire Employment Report was mailed to the claimant on October 29, 2009

and was due back to the department on November 9, 2009. The form states that “the form must be filled out entirely, signed and dated. Return the completed form to your specialist in the enclosed envelope by 11/09/2009.” The form goes on to states that “failure to provide this information by the due date will result in the cancellation of your public assistance benefits.”

The claimant admits that the form did not get returned by the due date. The claimant did not call prior to the due date and ask for assistance or additional time. The claimant’s mother testified that she first called the department about the form after the case was closed.

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility, which includes completion of the necessary forms. BAM 105. When the department did not receive the verification form by the due date, the department had no choice but to close the claimant’s AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's AMP benefits for failure to return the necessary verification.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/ \_\_\_\_\_  
Suzanne L. Morris  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: October 7, 2010

Date Mailed: October 8, 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.

SLM 

cc:

