

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: 2010-43750
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 26, 2010
Midland 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 August 26, 2010. The claimant personally appeared and provided testimony, along with her mother, [REDACTED].

ISSUE

Did the department properly terminate the claimant's Adult Medical Program (AMP) benefits for failure to return the 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's AMP case came due for a redetermination during the month of March, 2010. (Department Exhibit 29 - 32)

2. The claimant was mailed a Redetermination form (DHS-1010) on February 9, 2010, requiring the claimant to complete the form and return it with all verifications by March 1, 2010. (Department Exhibit 29 - 32)

3. The claimant returned the form on February 25, 2010. The claimant also submitted a W-2 (for the year 2009) from [REDACTED] and from [REDACTED] and one paycheck stub. (Department Exhibit 29 – 36)

4. On March 17, 2010, the claimant was mailed two Verification of Employment forms (DHS-38) to be completed by her employers. The forms were due back to the department by March 27, 2010. (Department Exhibit 20 – 24)

5. On March 17, 2010, the claimant reported that she was beginning a job as a cashier about 20 hours per week at \$8.00 per hour. (Department Exhibit 19)

6. On March 18, 2010, the claimant and her mother came to the local office. The claimant advised that she was going to work and would not be returning the Verification of Employment forms. (Department Exhibit 18)

7. The claimant did not return the Verification of Employment forms and the claimant's case closed effective April 1, 2010. (Department Exhibit 25 – 26)

8. 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).

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. PAM, 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. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, 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. PAM, Item 105, p. 9.

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

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the

DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. PAM, Item 130, p. 2.

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. PAM, 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. PAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

In this case, the claimant is disputing her AMP case closure. The department closed the claimant's case for failure to provide the required verifications.

The claimant's AMP case came due for an annual review during the month of March, 2010. The claimant returned the redetermination form and included 2009 W-2 statements from her employers, and one paycheck stub. The department was unable to budget the claimant's income with this information. On March 4, 2010, the department worker called the claimant and stated the department needed her January and February, 2010 paycheck stubs to be able to budget the income.

On March 17, 2010, the department mailed the claimant a Verification Checklist (DHS-3503), along with two Verification of Employment forms (DHS-38) to verify the

claimant's income from her employers. These were due back to the department by March 27, 2010.

On March 18, 2010, the claimant and her mother came into the local DHS office. The claimant's mother told the department worker that her daughter was bi-polar and needed to remain on the AMP for medications. However, the claimant reported that she was starting a job the next day and insisted to her mother that she was going to work the job. The claimant was advised that she needed to return the Verification of Employment forms. The claimant indicated that she was not going to return them.

The claimant did not return the Verification of Employment forms to the department. As the department did not have the information necessary to budget the claimant's case, the AMP 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. The claimant is mailed a negative action notice when the time period to provide the verifications is exhausted and the documentation has not been provided. BAM 130.

In this case, when the department did not have the necessary information to budget the claimant's case and the verifications were not provided, the department had no choice but to close the claimant's AMP case. This was in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's AMP benefits because the claimant did not return the required verifications.

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

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

Date Signed: August 31, 2010

Date Mailed: August 31, 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:

