

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201044611

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 7, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Kandra Robbins

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on July 28, 2010. After due notice, a telephone hearing was held on December 7, 2010. The claimant was present and testified.

ISSUE

Did the Department properly terminate claimant's AMP case based on a failure to comply with the redetermination process?

FINDINGS OF FACT

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

1. On November 16, 2009 Claimant was sent a DHS 574 scheduling a Redetermination Interview by telephone on December 1, 2009.
2. Claimant did not appear for the telephone interview.
3. On December 1, 2009, the Claimant was sent a Notice of Missed Interview (DHS 254) requesting he reschedule the interview.
4. On July 16, 2010 claimant was sent a letter to schedule a pre-hearing conference.

5. Claimant did not participate in the pre-hearing conference.
6. On July 28, 2010, claimant requested a hearing regarding the Adult Medical Program closure due to failure to participate in the Redetermination process.

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. BAM, Item 105, p. 5.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. BAM, Item 105, p. 5.

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.

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.

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. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, 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. 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.

BAM 105 Responsibility to Report Changes

All Programs

This section applies to all groups except most FAP groups with earnings.

See BAM 200, Food Assistance Simplified Reporting.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. Changes must be reported within 10 days of receiving the first payment reflecting the change.

Other changes must be reported within 10 days after the client is aware of them. These include, but are not limited to, changes in:

- Persons in the home.
- Marital status.
- Address and shelter cost changes that result from the move.
- Vehicles.
- Assets.
- Child support expenses paid.
- Health or hospital coverage and premiums.

In this case, the claimant is disputing the closure of his AMP case for failure to participate in the Redetermination process.

Claimants are required to comply with the local office to allow the department to determine initial or ongoing eligibility. BAM 105. This includes an interview during the Redetermination process. The Claimant was sent notice of the interview to the address that he had provided the Department. The Claimant claims that he never received the notice because he had moved. He admits that he did not provide the Department with a new address until sometime after February 14, 2010. The Claimant is responsible for reporting his change of address within 10 days. BAM 105 pg. 7. The Claimant moved prior to November 2009 when the Redetermination Interview was mailed to him. He did not report this change of address for over 4 months. Therefore, the Department can not be held responsible for his failure to participate.

Department policy indicates that a complete redetermination is necessary at least every 12 months. BAM 210. In this case, the Claimant did not participate in the Redetermination Interview needed to determine his continued AMP eligibility. Department policy indicates that failure to provide proof eligibility will result in penalties. BAM 105, 130. In this case, the department could not determine the claimant's continued eligibility for the AMP program and closed the claimant's AMP case properly.

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 failed to participate in the interview needed to determine his continued eligibility for AMP benefits.

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

/s/ _____
Kandra Robbins
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 22, 2010

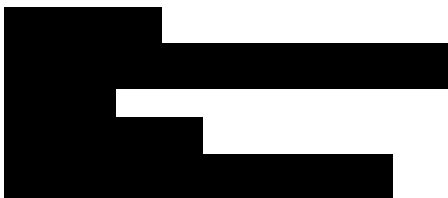
Date Mailed: December 22, 2010

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.

KKR/tg

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