

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201047321
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 28, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on October 28, 2010. The Claimant appeared and testified. [REDACTED] ES appeared on behalf of the Department. [REDACTED] served as interpreter.

ISSUE

Was the Department correct in closing Claimant's Adult Medical Program benefits for failing to provide verifications?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Adult Medical Program benefits.
- (2) A redetermination packet was sent to Claimant on February 9, 2010 with a March 1, 2010 appointment notice.
- (3) Claimant failed to appear at the redetermination interview.
- (4) Claimant has resided in the United States for less than 5 years.
- (5) Claimant's AMP case closed on March 19, 2010 for failing to appear at the redetermination interview.

- (6) Claimant requested a hearing on March 26, 2010 contesting the closure of AMP benefits.
- (7) Claimant's AMP benefits were reinstated pending the hearing.

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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4.

In the present case, Claimant acknowledged that he failed to appear at the redetermination interview. Claimant could not recall if he received notice of the interview. Claimant testified that he did not understand what was required of him. Claimant failed to make a reasonable effort to provide the requested verifications, therefore the closure of Claimant's AMP benefit was proper and correct. Claimant testified that he has serious medical problems that are not being adequately addressed with his current coverage. This Administrative Law Judge sympathizes with Claimant's circumstances but has no authority to override Department policy.

DECISION AND ORDER

Therefore based on the forgoing findings of fact and conclusions of law, it is ORDERED that the Department decision to close Claimant's AMP benefits for failing to return verifications is AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

201047321/AM

Date Signed: October 29, 2010

Date Mailed: October 29, 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.

AM/hw

cc:

