

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: 2010-49543

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 30, 2010

Oakland 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 14, 2010. After due notice, a telephone hearing was held on November 30, 2010. The claimant was present and testified.

ISSUE

Did the Department properly terminate claimant's AMP case based on a failure to return 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. On June 1, 2009, claimant was approved for MA-AMP benefits (Department Exhibit 2).
2. On March 16, 2010 Claimant was sent a DHS 1010 Redetermination Notice requesting verification by April 1, 2010.
3. Claimant was sent Notice of Case Action on June 18, 2010 indicating that his claim was denied (Department Exhibit 5).

4. On June 25, 2010, Claimant requested a hearing regarding the Adult Medical Program closure due to failure to return Redetermination form.
5. On July 2, 2010, Claimant contacted the Department asking to complete another form and have his benefits reinstated.

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (BRM).

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.

In this case, the claimant is disputing the closure of his AMP case for failure to submit the required completed redetermination form.

Claimants are required to comply with the local office to allow the department to determine initial or ongoing eligibility. BAM 105. The department informs the client what verification is required, how to obtain it, and the due date by using the Verification Checklist form (DHS-3503). BAM 130. Clients are provided ten days to return the verifications, but can request an extension of time to provide the verifications. BAM 130. If the time period to provide the verifications elapses and the verifications have not been provided, the department is directed to send a negative action notice. BAM 130.

The claimant claims that he never received the Redetermination Notice. He stated that he has problems with his mail but acknowledges that he received the Notice of Case Action. He also states that he never received the copy of the Redetermination form mailed in July. The Redetermination form is needed to determine AMP eligibility. BEM 400. Claimant testified that he contacted the Department in March to inquire about re-applying for benefits. He stated that he was told he could re-apply but it would take 4-6 months to determine eligibility. He states that he never contacted the Department or received anything from the Department until the Notice of Action on June 18, 2010. It is not found credible that the Claimant would have inquired about re-applying for benefits and then never contacted the Department regarding this from March until June. It is also not believed that the only correspondence received is the negative case action notice but not any of the documents regarding the redetermination process.

The claimant is required to comply with the department in providing the verification materials necessary to allow the department to determine initial or ongoing eligibility. BAM 105. In this case, the claimant failed to return a completed Redetermination form. Department policy indicates that a complete redetermination is necessary at least every 12 months. BAM 210. In this case, the department did not receive any of the needed redetermination materials 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 submit the information 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 2, 2010

Date Mailed: December 3, 2010

NOTICE: 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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