

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

IN THE MATTER OF:



Reg No. 2010-52274
Issue No. 2001, 2006
Case No. [REDACTED]
Hearing Date: 12/16/2010
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 December 16, 2010. The claimant appeared and testified. Cheryl Suggitt, FIM appeared and testified on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Adult Medical Program (AMP) case due to failure to complete a redetermination by the due date?

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 an ongoing AMP recipient, and his AMP case was closed when the Department determined that he did not respond to the redetermination interview on March 5, 2010, scheduled by telephone.
2. The Claimant did not receive the notice of the redetermination interview until two days after it was to be held.
3. The Claimant called his caseworker after receiving the notice and was told that he would get back to him on the redetermination and never did.
4. The Claimant's AMP case closed on May 1, 2010.

5. At the hearing, the Department agreed to reinstate the Claimant's AMP case retroactive to the date of closure, May 1, 2010, and the Claimant agreed to complete a redetermination.
6. Based upon the Department's agreement to reinstate the Claimant's AMP case, the Claimant no longer wished to proceed with the hearing and the parties agreed to settle the matter.

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 Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BPRM).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the Department has agreed to reopen and reinstate the Claimant's Adult Medical Program Benefits case retroactive to the date of closure, May 1, 2010. The Claimant also agreed to complete a redetermination so that the process can be completed.

As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

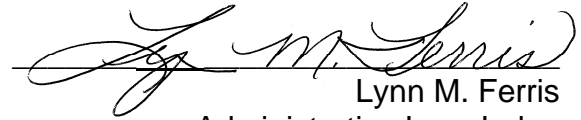
DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's Adult Medical Program Assistance Benefits case retroactive to the date of closure, May 1, 2010.

2. The claimant is required to complete a redetermination and provide it to the Department so the AMP case may be reopened and reinstated.


Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 01/04/11

Date Mailed: 01/05/11

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.

LMF/dj

cc:

