

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201129802  
Issue No.: 2001; 2006  
Case No.: [REDACTED]  
Hearing Date: May 16, 2011  
DHS County: WAYNE

ADMINISTRATIVE LAW JUDGE: [REDACTED]

**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 May 16, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by FIM [REDACTED] and ES [REDACTED].

**ISSUE**

Was the Department correct in closing Claimant's Adult Medical Program (AMP) for failing to cooperate with the Department?

**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 AMP recipient.
2. The Department issued Claimant a Notice of Appointment for Telephone Interview.
3. Claimant was present and ready for the Telephone Interview.
4. The Department did not call Claimant for the Telephone Interview.

5. The Department issued Claimant a Notice of Missed Interview, stating that Claimant must call the Department to reschedule the Interview.
6. Claimant attempted to call the Department, but no calls were returned to him from the Department.
7. The Department closed Claimant's AMP case, effective March 1, 2011, for failure to return verifications.
8. Claimant requested a hearing contesting the AMP closure.

### **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 (formerly known as the Family Independence Agency) 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,) which includes the Reference Tables (RFT.)

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105, 130. 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 the information should be extended at least once. BAM 130. 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.

In the present case, the Department notified Claimant that he had a phone interview for redetermination. Claimant was ready and available for the phone call from the Department for the interview. The Department did not call Claimant for the interview because he did not return a form to the Department prior to the time of the interview. However, nothing in the Appointment Notice stated that the phone interview would not be conducted if requested proofs were not returned. (See Exhibit 3, "REDETERMINATION.") Nothing had changed for Claimant, so he logically thought he could simply report the no change circumstance at the interview. Claimant called the Department several times. Since the Department did not call for the interview or return his phone calls, Claimant had no opportunity to explain his situation. In addition, had the Department called at the appointed time, the Department could have clarified its request. This Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was not correct in closing Claimant's AMP case. BAM 130.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's AMP case for failing to cooperate with the Department was incorrect and, therefore, it is ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall reinstate Claimant's AMP program, effective March 1, 2011.

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Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed:

Date Mailed:

**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 receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt of the rehearing decision.

SCB/hw

cc:

Wayne County DHS (57)/ 1843

Administrative Hearings