

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-37888

Issue No: 2001; 2006

[REDACTED]

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 June 8, 2011. After due notice, a telephone hearing was held on July 14, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly close Claimant's Adult Medical Program (AMP) benefits for failure to return the required redetermination materials?

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's AMP benefits case came due for Redetermination during the month of March, 2011. (Hearing Summary).
2. Claimant was mailed a Redetermination packet on March 15, 2011. The Redetermination packet was to be completed, signed, dated, and returned to the department by April 4, 2011. (Department Exhibits 4-8).
3. A Notice of Case Action was mailed to Claimant on April 18, 2011, informing Claimant his Adult Medical Program (AMP) would be closed effective May 1, 2011, because he failed to return the redetermination form. (Department Exhibits 11-12).
4. On May 23, 2011, Claimant reapplied for the AMP program. (Department Exhibits 25-43).

5. On May 24, 2011, the department mailed Claimant a Notice of Case Action denying Claimant's MA application because he was not blind, disabled, pregnant or the parent/caretaker relative of a dependent child and did not meet the age requirements. The Notice also informed Claimant that the department was unable to process his application for the AMP program because the program was closed to new enrollments. (Department Exhibits 16-19).
6. Claimant requested a hearing on June 8, 2011, protesting the closure and subsequent denial of his AMP case. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Reference Tables Manual (RFT).

Department policy states Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5. 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.

Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. The packet is sent to the mailing address in Bridges. The packet is sent to the physical address when there is no mailing address. The packet is also sent to the MA Authorized Representative on file. Redetermination/review forms may include:

- DHS-574, Redetermination Telephone Interview (FAP).
- DHS-1010, Redetermination (all TOA).
- DHS-1045, Simplified Six-Month Review (FAP).
- DHS-1046, Semi-Annual Contact Report (FAP).
- DHS-1171, Assistance Application (all TOA).
- DHS-2240-A, Mid-Certification Contact Notice (MA and FAP).
- DHS-2063-B, Continuing Your Food Assistance Benefits (FAP).
- DHS-4574, Medicaid Application for Long-Term Care.
- DCH-0373-D, MI Child and Healthy Kids Application.

The packet includes the following as determined by the type of assistance to be redetermined:

- Redetermination/review form indicated above.
- Notice of review as determined by policy.
- Interview date.
- Interview type.
- Place and time.
- Required verifications.
- Due date.
- Return envelope. BAM, Item 210, pages 4-5.

Interview requirements are determined by the type of assistance that is being redetermined. BAM, Item 210, pages 3-4. For MA, Adult Medical Program (AMP), and TMP, an in-person interview is not required as a condition of eligibility. BAM, Item 210, p. 4.

Department policy indicates that a complete redetermination is necessary at least every 12 months. BAM 210. AMP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is established. BAM 210. Department policy indicates that failure to provide proof of eligibility will result in penalties. BAM 105, BAM 130.

In this case, Claimant did not receive the Redetermination packet. Claimant is homeless, as indicated by his application on file with the department from March 3, 2010. However, Claimant did list a mailing address on his application. In accord with policy, the department mailed the Redetermination packet to his mailing address. The packet was returned to the department on March 21, 2011, and it indicated that he did not live at that address. Claimant testified that it had been his daughter's address and he was unaware that she had moved. Because Claimant failed to return the Redetermination packet, the department could not determine Claimant's continued eligibility for the AMP program and closed Claimant's AMP benefit program on May 1, 2011.

On May 23, 2011, Claimant reapplied for the AMP program. Enrollment in AMP was currently frozen to new enrollments when Claimant submitted his application. Applications received during the freeze on AMP enrollments must be registered and denied using "applicant did not meet other eligibility requirements" as the denial reason. BEM 640.

Based on the material and substantial evidence provided during the hearing, the Administrative Law Judge finds that Claimant did not timely return the Redetermination packet to the department as required. Therefore, the department properly closed his AMP benefits case. Moreover, when Claimant reapplied for AMP, the department

properly denied his application because the AMP program was not accepting new enrollments at that time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed Claimant's AMP benefits for failure to return the necessary redeterminations and properly denied Claimant's re-application for AMP because the program was not currently accepting new enrollments.

Accordingly, the department's actions are UPHHELD.

It is SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: __7/15/11_____

Date Mailed: __7/15/11_____

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 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.

VLA/ds

