

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]
Kent County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the DHS client's (also referred to as "the claimant") request for a hearing received on July 1, 2011. After due notice, a telephone hearing was held on September 20, 2011. Claimant personally appeared and provided testimony.

ISSUE

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

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 receiving AMP at all times pertinent to this hearing. (Hearing Summary).
2. On April 13, 2011, the Department mailed Claimant a redetermination packet via central print to Claimant's last known address at "60 Division Ave S, Apt 427, Grand Rapids, MI 49503." (Department Exhibit 2). Claimant was required to either call the Department or return the forms by May 3, 2011 at 2:00p.m. (Department Exhibit 2).
3. On May 3, 2011, the Department mailed Claimant a Notice of Missed Interview (DHS-254) in an attempt to reschedule the interview for May 31, 2011. (Department Exhibit 7).
4. Claimant did not contact the Department and did not return the redetermination forms.

5. On May 20, 2011, the Department mailed Claimant a Notice of Case Action (DHS-1605), informing him that his AMP benefits were closed effective June 1, 2011 because he failed to timely return the redetermination packet. (Notice of Case Action).
6. On July 1, 2011, Claimant submitted a hearing request challenging the closure of his AMP benefits. (Request for a Hearing)

CONCLUSIONS OF LAW

The client has the right to request a hearing for any action, failure to act or undue delay by the department. BAM 105. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the 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).

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Clients must take actions within their ability to obtain verifications and DHS staff must assist when necessary. BAM 105. Specifically, the local office must assist clients who ask for help in completing forms or gathering verifications. BAM 105 and BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

The Department of Human Services must periodically redetermine an individual's eligibility for active TOA. BAM 210. The redetermination process includes thorough review of all eligibility factors. BAM 210. Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active types of assistance. BAM 210. For purposes of AMP, there is no in-person interview requirement as a condition of eligibility. BAM 210.

Verifications are due the same date as the redetermination/review interview. BAM 210. When an interview is not required, verifications are due the date the packet is due. BAM 210. The Department's computer system, known as "Bridges," allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. If the 10th day falls on a weekend or holiday,

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 60 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.

CAP/ds

