

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-34185  
Issue No.: 2006  
Case No.: [REDACTED]  
Hearing Date: June 20, 2011  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Susan Burke

**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 June 20, 2011. The Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] AP Supervisor, and [REDACTED] ES.

**ISSUE**

Was the Department correct in closing Claimant's Adult Medicaid Program (AMP) due to refusal to cooperate with the Department?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds a material fact:

1. Claimant was an ongoing FAP and AMP recipient.
2. The Department issued to Claimant a Redetermination Telephone Interview appointment for FAP and AMP, which Claimant did not receive.
3. The Department issued a Notice of Missed Interview for FAP only, and Claimant made an appointment with the case worker for February 24, 2011.
4. At the appointment of February 24, 2011 FAP only was discussed; AMP was not discussed.
5. Claimant was notified that his AMP was closed effective March 1, 2011 due to failure to verify information.

6. Claimant requested a hearing, protesting the closure of his AMP case.

### **CONCLUSIONS OF LAW**

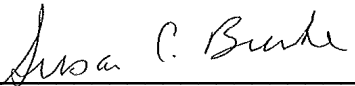
The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10 *et seq.* Department policies are contained 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, although the Department appears to have issued a Redetermination Telephone Interview for both Claimant's FAP and AMP cases, Claimant testified credibly that he did not receive the notice. Claimant did receive the Notice of Missed Interview for the FAP case and made an appointment with the case worker. At the appointment, the worker did not mention Claimant's AMP case. The worker at hearing stated that the Notice of Missed Interview regarding AMP was issued from Lansing, so perhaps she was unaware of that notice as well, and that is why AMP was not discussed at the interview. Moreover, the Department did not present into evidence a Notice of Missed Interview for the AMP case. It is likely that since Claimant was more than willing to attend the interview regarding FAP, he was also willing to attend an interview regarding AMP, had he been aware of the need to make an appointment for AMP. Based on the above discussion, I cannot find that Claimant refused to cooperate with the Department, so the Department's decision to close Claimant's AMP case due to refusal to cooperate was incorrect.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was not correct in its decision to close Claimant's AMP case and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall reinstate Claimant's AMP case effective March 1, 2011 and ongoing, if Claimant is otherwise eligible.

  
\_\_\_\_\_  
Susan Burke  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 6/23/11

Date Mailed: 6/23/11

**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.

SB/sm

cc:

