

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-4815  
Issue No.: 2001  
Case No.: [REDACTED]  
Hearing Date: November 17, 2011  
County: Wayne (76)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on November 17, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] Eligibility Specialist, and [REDACTED] Assistance Payments Supervisor.

**ISSUE**

With respect to the Adult Medical Assistance (AMP) Program, did the Department properly  deny Claimant's application?  close Claimant's case?

**FINDINGS OF FACT**

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

1. Claimant  applied for  was a recipient of AMP benefits.
2. Claimant  was  was not living with a spouse during the time period in question.
3. The total countable income of Claimant's household was \$ N/A at all times relevant to this matter.
4. The Department  denied Claimant's application  closed Claimant's case due to excess income.

5. On September 19, 2011, the Department sent notice of the  denial  closure to Claimant.
6. On September 29, 2011, Claimant filed a hearing request, protesting the  denial of the application.  closure of the case.

### **CONCLUSIONS OF LAW**

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).

Additionally, the Claimant did not receive a Redetermination application form and requested a new one in a timely fashion. The Department failed to provide it to her.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department

- properly denied Claimant's application.  improperly denied Claimant's application.  
 properly closed Claimant's case.  improperly closed Claimant's case.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department  did act properly.  did not act properly.

Accordingly, the Department's AMP decision is  AFFIRMED  REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's AMP benefits case.
2. Initiate procedures to provide Claimant with a Redetermination application packet.
3. Initiate procedures to provide Claimant with sufficient time, including up to three extensions of time if needed, to complete and submit the Redetermination.
4. Initiate procedures to provide Claimant with a time-stamped copy of her Redetermination.
5. Initiate procedures to review the Redetermination application and, if appropriate, continue Claimant's AMP on an ongoing basis.
6. Initiate procedures to provide Claimant with retroactive, supplemental benefits as necessary to restore her to the benefit level to which she is entitled.
7. All steps shall be taken in accordance with Department policy and procedure.



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**Jan Leventer**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: December 5, 2011

Date Mailed: December 5, 2011

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

JL/cl

cc:

