

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201249277
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: June 27, 2012
County: Wayne DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 June 27, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly failed to redetermine Claimant's Adult Medical Program (AMP) benefit eligibility due to Claimant's alleged failure to timely submit redetermination documents.

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 was an ongoing AMP benefit recipient.
2. Claimant's AMP benefit eligibility was scheduled for redetermination prior to the end of 2/2012.
3. On 1/17/12, DHS mailed Claimant a redetermination.
4. On 3/19/12, DHS mailed Claimant a Notice of Case Action (Exhibit 2) informing Claimant of AMP benefit termination, effective 4/2012.
5. The Notice of Case Action was to take effect 3/31/12.

6. On 3/30/12, Claimant submitted an Assistance Application to DHS.
7. DHS allowed Claimant's AMP benefit eligibility to end effective 4/2012.
8. On 4/24/12, Claimant requested a hearing to dispute the AMP benefit termination.

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 DHS (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). AMP is part of the Medical Assistance (MA) program.

The present case involved a determination of AMP benefit eligibility. Claimant contended that she submitted necessary documents to DHS on 3/30/12. DHS questioned whether Claimant submitted any documentation. The issue was resolved by a check of an application log maintained by DHS. DHS verified that Claimant signed the log on 3/30/12. It is found that Claimant submitted an Assistance Application to DHS on 3/30/12.

DHS then contended that Claimant's application was not sufficient for a redetermination of benefits. DHS contended that Claimant was required to submit a specific DHS form for her redetermination, not an Assistance Application.

DHS policy specifically states that a Redetermination (DHS-1010) is mailed to a client as part of the redetermination process. This policy only affects the DHS obligation as part of the redetermination process. DHS regulations also state that redetermination forms may include a DHS-1171, Assistance Application, for all programs. BAM 210 at 5. Common sense would also tend to support finding that an application can be submitted in lieu of a Redetermination. All of the questions within a Redetermination are also part of an Assistance Application. It is found that DHS may not terminate Claimant's AMP benefit eligibility due to Claimant submitting an Assistance Application instead of a Redetermination.

DHS lastly stated that Claimant should have submitted the application in 2/2012, the month scheduled to be the last in Claimant's ongoing AMP benefit period. DHS contended that Claimant's submission on 3/30/12 was too late for AMP eligibility to be redetermined.

MA Benefits are not automatically terminated for failure to record receipt of the redetermination packet. BAM 210 at 9. For MA benefits, the benefits continue until DHS initiates the closure via timely notice. Bridges gives timely notice of the negative action if the time limit is not met. BAM 210 at 11.

Timely notice is given for a negative action unless policy specifies adequate notice or no notice. BAM 220 at 3. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pended to provide the client a chance to react to the proposed action. *Id.* 3-4.

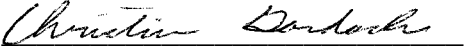
It is not disputed that DHS could have issued a timely notice of closure due to Claimant's failure to meet the redetermination immediately following the submission deadline of 2/2/12. DHS happened to wait until 3/16/12 to issue timely notice of the AMP benefit termination. By waiting, DHS lost the right to claim that Claimant should have submitted redetermination documents in 2/2012. The effective date of the AMP closure was 3/31/12. Claimant's 3/30/12 application submission was barely timely to meet the deadline for redetermination. Barely timely is still timely. It is found that Claimant timely submitted an application for AMP benefit redetermination. Accordingly, the AMP benefit termination based on Claimant's alleged failure to timely return a redetermination document was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's eligibility for AMP benefits. It is ordered that DHS:

- (1) reinstate Claimant's AMP benefit eligibility effective 4/2012;
- (2) process Claimant's ongoing AMP benefit eligibility subject to the finding that Claimant timely submitted a redetermination packet; and
- (3) supplement Claimant for any AMP benefits not received as a result of the improper AMP benefit termination.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2012

Date Mailed: July 3, 2012

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. (60 days for FAP cases).

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.

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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

