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

Reg. No.: 201251433

# IN THE MATTER OF:

|   | Issue No.:<br>Case No.:<br>Hearing Date:<br>County:       | June 13, 2012<br>Lapeer County DHS |  |
|---|---|------------------------------------|--|
| ADMINISTRATIVE LAW JUDGE: Corey A. Arendt   |   |                                    |  |
| 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 13, 2012, from Lansing, Michigan. Participants on behalf of Claimant included Participants on behalf of Department of Human Services (Department) included   |   |                                    |  |
| ISSUE   |   |                                    |  |
| Due to a failure to comply with the verification requirements, did the Department properly $\square$ deny Claimant's application $\boxtimes$ close Claimant's case $\square$ reduce Claimant's benefits for:  |   |                                    |  |
| Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)?  | State Disability A<br>Child Developme<br>Adult Medical Pr | nt and Care (CDC)?                 |  |
| FINDINGS OF FACT  |   |                                    |  |
| The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:   |   |                                    |  |
| <ol> <li>Claimant ☐ applied for ☒ was receiving: ☐ F</li> <li>AMP.</li> </ol>   | FIP □FAP □MA [  | □SDA □CDC                          |  |
| <ol> <li>Claimant ☐ was ☒ was not provided with<br/>Redetermination Form (DHS-1010 or Notice of Notice of</li></ol> |   |                                    |  |

| 3. | On April 1, 2012, the Department  ☐ denied Claimant's application  ☐ closed Claimant's case ☐ reduced Claimant's benefits for failure to submit verification in a timely manner. |
|----|--|
| 4. | On March 16, 2012, the Department sent notice of the denial of Claimant's application.  closure of Claimant's case. reduction of Claimant's benefits.                            |
| 5. | On May 3, 2012, Claimant filed a hearing request, protesting the $\hfill \Box$ denial. $\hfill \boxtimes$ closure. $\hfill \Box$ reduction.                                      |

#### **CONCLUSIONS OF LAW**

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq*.

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 of that decision. (BAM 600).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

In this case, the Department failed to provide any documentation to substantiate and verify they actually sent the notices to the proper address and that those documents were returned as undeliverable. Further complicating things, is the Claimant's argument that she never changed her address and received contemporaneous mailings from other companies during the same time period in question. Therefore, based on the burden of proof, I find that more likely than not, the Department did not mail the notices as alleged and therefore did not provide the Claimant with adequate notice.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly closed the Claimant's case.

## **DECISION AND ORDER**

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

Accordingly, the Department's decision is **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. Initiate a redetermination as to the Claimant's eligibility for AMP benefits beginning April 1, 2012 and issue retroactive benefits if otherwise eligible and qualified.

/s/\_

Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: June 14, 2012
Date Mailed: June 15, 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 receipt 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 <u>MAY</u> 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.

## 201251433/CAA

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

#### CAA/cr

