

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

IN THE MATTER OF:



Reg. No: 20127796
Issue No: 2001
Case No: [REDACTED]
Hearing Date: April 10, 2012
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on Tuesday, April 10, 2012. The claimant personally appeared and provided testimony as did his [REDACTED].

ISSUE

Did the department properly close the claimant's Adult Medical Program (AMP) case?

FINDINGS OF FACT

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

1. The claimant was a recipient of AMP benefits.
2. On May 20, 2011, the department sent the claimant a notice of case action stating that his AMP benefits would be closing as of May 31, 2011.
3. The claimant submitted a hearing request on August 1, 2011 protesting the closure of his AMP case.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

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. BAM 600.

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or 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 Bridges Reference Manual (BRM).

In the case at hand, the department representative testified that, to the best of his understanding, the claimant's AMP case was terminated due to the department not receiving a redetermination packet from the claimant. However, the department representative further testified that it appeared that the claimant had been sent the wrong redetermination packet; a packet that was intended to be used for a different program than the AMP program. Therefore, the department representative testified that the department would be willing to allow the claimant to submit the proper redetermination packet, re-determine the claimant's eligibility for the AMP program, and if the claimant was found to be otherwise eligible, reinstate benefits back to the date of negative action. The claimant agreed that this was the proper course of action to take and that this course of action would alleviate his need for a hearing request.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the parties agree as to what the proper course of action should be. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed the claimant's AMP case.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall allow the claimant to submit any necessary redetermination paperwork, re-determine the claimant's eligibility for the AMP program, and if the claimant is found to be otherwise eligible, reinstate the claimant's AMP benefits back to the date of negative action.

/s/
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 10, 2012

Date Mailed: April 11, 2012

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.

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