

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-10463
Issue No.: 2001, 2006
Case No.: [REDACTED] 7
Hearing Date: January 19, 2012
County: Genesee-02

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 January 19, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Family Independence Specialist).

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's Adult Medical Program (AMP) benefits case for failure to return a redetermination packet?

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:

1. Claimant was an AMP recipient and was a resident of [REDACTED] ([REDACTED]).
2. On August 16, 2011, the Department mailed Claimant a Redetermination packet to his mailing address in [REDACTED] ty. (Department Exhibit 1)
3. The Redetermination packet was due by September 1, 2011. (Department Exhibit 1).

4. Claimant relocated from [REDACTED] in August, 2011.
5. The Department's computer system known as "Bridges" recorded that Claimant reported a new mailing address in [REDACTED] on September 13, 2011. (Department Exhibit 3).
6. On September 15, 2011, the Department mailed Claimant a Specialist Assignment Notice indicating that his case has been assigned a new caseworker in [REDACTED]. (Department Exhibit 4).
7. Claimant did not return the Redetermination packet.
8. On September 29, 2011, the Department mailed Claimant a Notice of Case Action closing his AMP case because he failed to return his redetermination forms in a timely manner. (Department Exhibit 8-11).
9. On October 7, 2011, Claimant filed a hearing request protesting the closure.

CONCLUSIONS OF LAW

The client has the right to request a hearing for any action, failure to act or undue delay by the department. BAM 105. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

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

The Department of Human Services must periodically redetermine an individual's eligibility for active types of assistance (TOA). A complete redetermination is required at least every 12 months. BAM 210. The redetermination process includes thorough review of all eligibility factors. BAM 210. Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active benefits. BAM 210.

Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due; see RFS 103. BAM 210. The packet is sent to the mailing address in Bridges. The packet is sent to the physical address when there is no mailing address. BAM 210.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210. Verifications are due the same date as the redetermination/review interview. BAM 210. When an interview is not required, verifications are due the date the packet is due. BAM 210. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

Here, there is no dispute that Claimant failed to return the redetermination packet. The evidence shows that the Department sent the packet to his last known mailing address in Oakland County before he relocated to Genesee County. Claimant was responsible for returning the redetermination packet, but he failed to do so.

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 properly closed Claimant's AMP 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 act properly.

Accordingly, the Department's decision is AFFIRMED for the reasons stated above and for the reasons stated on the record.

/s/ _____
C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/26/12

Date Mailed: 1/26/12

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 a:

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

CAP/ds

