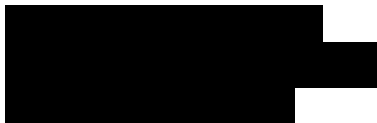


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No: 201219157  
Issue No: 2001  
Case No: [REDACTED]  
Hearing Date: February 28, 2012  
Genesee 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 February 28, 2012. The claimant personally appeared and provided testimony.

**ISSUE**

Did the department properly close the claimant's Adult Medical Program (AMP) case for failure to complete the required redetermination?

**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 September 14, 2011, the department sent the claimant a redetermination packet (DHS 1010) to be completed with a due date of October 3, 2011. (Department Exhibits 1-4).
3. The claimant did not return the completed redetermination packet to the department by the due date.
4. On October 20, 2011, the department mailed the claimant a notice of case action (DHS 1605) informing the claimant that her AMP case was being closed as of November 1, 2011 due to her failure to submit the required redetermination. (Department Exhibits 5-7).
5. The claimant submitted a hearing request on October 27, 2011 protesting the closure of her 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).

Department policy states Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5. Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

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. Bridges sends a DHS-2063B, Continuing Your Food Assistance Benefits, to FAP clients for whom FIP, SDA, MA, AMP, and/or TMAP are not active. The packet is sent to the mailing address in Bridges. The packet is sent to the physical address when there is no mailing address. The packet is also sent to the MA Authorized Representative on file. Redetermination/review forms may include:

- DHS-574, Redetermination Telephone Interview (FAP).
- DHS-1010, Redetermination (all TOA).
- DHS-1045, Simplified Six-Month Review (FAP).
- DHS-1046, Semi-Annual Contact Report (FAP).
- DHS-1171, Assistance Application (all TOA).
- DHS-2240-A, Mid-Certification Contact Notice (MA and FAP).
- DHS-2063-B, Continuing Your Food Assistance Benefits (FAP).
- DHS-4574, Medicaid Application for Long-Term Care.
- DCH-0373-D, MI Child and Healthy Kids Application.

The packet includes the following as determined by the type of assistance to be redetermined:

- Redetermination/review form indicated above.
- Notice of review as determined by policy.
- Interview date.
- Interview type.
- Place and time.
- Required verifications.
- Due date.
- Return envelope. BAM, Item 210, pages 4-5.

Interview requirements are determined by the type of assistance that is being redetermined. BAM, Item 210, pages 3-4. For MA, Adult Medical Program (AMP), and TMP, an in-person interview is not required as a condition of eligibility. BAM, Item 210, p. 4.

An individual who is receiving any type of assistance through the department must have their eligibility for such assistance periodically redetermined. BAM 210. The redetermination process consists of a thorough review of all the eligibility factors and must be completed at least every twelve months. BAM 210. Policy also states that local offices must assist clients who need and request help to complete applications, forms and obtain verifications. BAM 210.

In the case at hand, the claimant testified that she did not return the redetermination because she did not know how to fill out the income section due to her and her husband being self employed. She testified that she contacted the department and left two messages prior to the due date for her redetermination packet to request assistance in completing the redetermination but she did not receive a return phone call. The claimant provided consistent testimony as to her requests for assistance and the Administrative Law Judge credits the testimony of the claimant. Therefore, since the claimant called the department to request assistance, the department was required to assist the claimant with her redetermination as per policy. Accordingly, the department should have assisted the claimant with her redetermination before closing the claimant's case.

### **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 the requested redetermination, provide assistance with completing such if requested, and redetermine the claimant's eligibility for the AMP program back to the date of negative action.



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

Date Signed: March 12, 2012

Date Mailed: March 12, 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.

CSS/cr

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