

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

IN THE MATTER OF:



Reg. No.: 20126607
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: April 12, 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 April 12, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Specialist.

ISSUE

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

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 ongoing AMP benefit recipient.
2. Claimant's AMP benefit period was scheduled to end 12/31/10.
3. On 11/15/10, DHS mailed Claimant a Redetermination (DHS-1010) so that Claimant's ongoing eligibility for AMP benefits could be redetermined.
4. Claimant failed to return the Redetermination to DHS by 12/31/10.
5. On an unspecified date, DHS mailed notice Claimant of the AMP benefit termination.

6. On 1/12/11, 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).

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination may vary, though a Redetermination (DHS-1010) is an acceptable review form for all programs. Verifications for redetermination must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. *Id.* at 12.

In the present case, it was not disputed that DHS mailed Claimant a DHS-1010 on 11/15/10. Claimant had until 12/31/10 to return the DHS-1010 with any required documentation. It was not disputed that Claimant failed to meet the verification deadline and that DHS terminated Claimant's AMP eligibility beginning 1/2011.

Claimant testified that he was out of town for a funeral for one month at the time DHS mailed the Redetermination. Claimant contended he should not be at fault for failing to return the DHS-1010 if he did not know of his obligation to return the Redetermination. Claimant's excuse was not verified though his excuse did not particularly lack credibility, though the actual timeframe of his absence would have been a minimum of 45 days based on an 11/15/10 mailing date and 12/31/10 submission deadline. Claimant also contended that he had cardiac problems which require him to take medication which he cannot afford without AMP benefits.

It is worth noting that for most programs, the consequences of failing to meet a submission deadline is inconvenience. In such cases, a client need only reapply to restart benefit eligibility, presuming that eligibility factors for the program are met. For AMP benefits, reapplying is pointless because that particular program was, and continues to be, closed to new applicants. Thus, the AMP benefit termination has drastic consequences for Claimant.

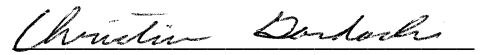
Despite the harshness of the outcome, DHS regulations do not excuse Claimant's failure to submit the Redetermination. DHS established meeting all necessary

timeframes. Claimant had ample time to return the Redetermination and he failed to do so. It is found that DHS properly terminated Claimant's ongoing AMP benefit eligibility.

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. did not act properly.

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


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

Date Signed: April 16, 2012

Date Mailed: April 16, 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 **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 at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

