


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


IN THE MATTER OF:



Reg. No.: 201319572
Issue No.: 2001
Case No.: 
Hearing Date: May 8, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 May 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included , Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Adult Medical Program (AMP) case?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of AMP.
2. On November 19, 2012, the Department sent Claimant a Notice of Case Action notifying her that her AMP case would close effective January 1, 2013, because she had failed to return a completed redetermination.
3. On December 13, 2012, Claimant filed a hearing request, protesting the Department's action.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.* Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The Department closed Claimant's AMP case effective January 1, 2013, based on Claimant's failure to return a completed redetermination. The Department requires recipients of state benefits to complete redeterminations at least once every twelve months. BAM 210 (November 2012), p 1. Medical assistance benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p 2.

At the hearing, the Department testified that a redetermination was sent to Claimant by its central print office in Lansing on October 16, 2012, with a due date of November 1, 2012, and that the redetermination form, as well as a Semi-Annual Contact Report for Claimant's Food Assistance Program (FAP) case, was reprinted by the local office on November 14, 2012. Claimant credibly testified that she timely returned both the redetermination and Semi-Annual, that her worker informed her that she did not receive either document and reprinted copies for her, and that she resubmitted a completed redetermination and Semi-Annual. The Department acknowledged that Claimant's FAP benefits had been ongoing, establishing that it did receive and process the Semi-Annual. Claimant's credible testimony established that she timely submitted the redetermination. Thus, the Department did not act in accordance with Department policy when it closed Claimant's AMP case for failure to complete the redetermination.


While the Department also testified at the hearing that Claimant's AMP case was closed because her income exceeded the income limit under the program, the Department did not provide a AMP budget showing the excess income and could not establish the income used to make an income determination for AMP purposes. Furthermore, as discussed above, the Notice of Case Action closing Claimant's AMP case cited the failure to return the redetermination, not excess income, as the basis for the case closure. Thus, the Department failed to satisfy its burden of showing that it closed Claimant's AMP case for excess income.

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 in accordance with Department policy when it closed Claimant's AMP case. Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's AMP case as of January 1, 2013;
2. Begin reprocessing Claimant's redetermination in accordance with Department policy;
3. Provide Claimant with AMP coverage she is eligible to receive from January 1, 2013, ongoing; and
4. Notify Claimant in writing of its decision in accordance with Department policy.


Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 5/16/2013

Date Mailed: 5/16/2013

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. (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

ACE/hw

cc:

