

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201324487
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Macomb (36)

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 May 30, 2013 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Agent with the Office of Inspector General).

ISSUE

Did the Department properly close Claimant's Adult Medical Program (AMP) case due to a failure to comply with the verification requirements?

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 receiving AMP benefits.
2. On October 9, 2012, the Department mailed Claimant a Verification Checklist (DHS-3503).
3. Claimant was required to submit the requested verification by October 19, 2012.
4. On October 25, 2012, the Department mailed Claimant a Notice of Case Action (DHS-1605) which closed Claimant's AMP case effective December 1, 2012 and indicated, "[y]ou failed to provide vehicle information due by 10/19/12."
5. On January 3, 2013, Claimant filed a hearing request, protesting the AMP closure.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Verifications are considered timely if received by the date they are due. BAM 130.

The Department may utilize a verification checklist (VCL), which is a DHS form that tells clients what is needed to determine or redetermine eligibility. See Bridges Program Glossary (BPG) at page 47.

For AMP, the client has 10 days to provide requested verifications (unless policy states otherwise). BAM 130. In addition, BAM 130 provides that for AMP only, if the client cannot provide the verification despite a reasonable effort, the Department worker **may** extend the time limit up to three times. BAM 130.

Generally speaking, the client is obligated to obtain required verification, but the department worker must assist if the client needs and requests help. BAM 130. If neither the client nor the department worker can obtain verification despite a reasonable effort, the department worker must use the best available information. BAM 130. If no evidence is available, the department worker should use his or her best judgment. BAM 130. Exception: Alien information, blindness, disability, incapacity, incapability to declare one's residence and, for FIP only, pregnancy must be verified. 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.

For all programs, the department must, before determining eligibility, give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130.

Here, the Department maintains that Claimant failed to turn in verifications regarding vehicle ownership at any time. Claimant contends that he contacted the Department requesting an extension to provide the requested verifications which the Department granted. Claimant then testified that he personally hand-delivered a copy of his vehicle title at the local office before the extended due date (October 31, 2012) and signed a log book. The Department worker who attended the hearing vaguely recalled Claimant's

request for an extension, but stated she checked the log but did not find the verification Claimant claimed he turned in. Claimant, on the other hand, contends that the Department may have lost or misplaced a copy of Claimant's vehicle title.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. The Notice of Case Action (DHS-1605) in this matter provides the following reason for closure of Claimant's AMP benefits "[y]ou failed to provide vehicle information due by 10/19/12." However, Claimant testified that he requested an extension and the Department "vaguely recalled" that conversation. The Department worker did not testify that she denied the request for extension. Here, this Administrative Law Judge finds Claimant's testimony that the Department granted his extension credible. In addition, this Administrative Law Judge believes that Claimant provided the Department with a copy of his vehicle information before the extended due date. This Administrative Law Judge also believes Claimant when he provided that the local office either lost or misplaced the vehicle title documents Claimant provided. Based on the competent, material, and substantial evidence presented during the hearing, this Administrative Law Judge finds that the Department erred when it closed Claimant's AMP case for failure to provide verifications. The Administrative Law Judge recognizes that there may be a freeze on new AMP enrollments, but Claimant is not a new enrollee and he was wrongfully removed from the AMP. Prior to the negative action in this matter, Claimant was eligible for AMP and the basis for his removal from AMP was unfounded.

Based upon the above Findings of Fact and Conclusions of Law, the Administrative Law Judge concludes that the Department improperly closed Claimant's AMP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did not act properly.

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:

- Claimant's AMP eligibility should be reinstated notwithstanding the freeze.
- The Department may, if necessary, resend Claimant a new verification checklist.

IT IS SO ORDERED.

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

Date Signed: June 3, 2013

Date Mailed: June 3, 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.

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.

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