

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201331465
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: May 29, 2013
County: Oakland County (#04)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted on Wednesday, May 29, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

As a preliminary matter, the Claimant submitted a request for an adjournment that was received in the hearing office on May 28, 2013, but not processed. The adjournment request was denied at hearing since the Claimant appeared and the Department was ready to proceed. The hearing proceeded as scheduled.

ISSUE

Whether the Department properly closed the 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. The Claimant was an ongoing MA (AMP) recipient.
2. On December 11, 2012, the Department sent Claimant redetermination packet with a due date of January 2, 2013. (Exhibit 1)

3. The redetermination form and/or verifications were not returned by the Claimant resulting in the closure of his AMP case.
4. On January 19, 2013, the Department sent Notice of Case Action informing the Claimant of the intended action to terminate the AMP benefits as of February 1, 2013 for failure to provide necessary redetermination forms and verification to determine eligibility. (Exhibit 2)
5. On February 19, 2013, the Department received the Claimant's written hearing request regarding the action.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are contained 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.* The Adult Medical Program (AMP) is available to individuals who meet certain eligibility factors. Applications received during the freeze on AMP enrollments must be registered and denied using "applicant did not meet other eligibility requirements" as the denial reason. Applicants must be informed that the reason for denial is an enrollment freeze. An *ex parte* review is required before Medicaid closures when there is an actual or anticipated change, unless the change would result in closure due to ineligibility for all Medicaid. The review should include consideration of the client for all other MA categories. BEM 640 (October 2012), p. 2.

The Department is required to re-evaluate cases to ensure that eligibility for program benefits continues. A redetermination is a periodic review. The Department sends the client a redetermination packet requesting that required verifications be returned by a specified date. The Department is to allow a reasonable amount of time for a client to complete the application and gather the required verifications before the end of the redetermination month. Clients must cooperate in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (September 2012), p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (May 2012), p. 1. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification(s). BAM 130 For MA purposes, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210 (November 2012). If the client does not complete the redetermination process, benefits expire at the end of the benefit period. BAM 210.

In this case, the Department sent the redetermination packet to Claimant on December 11, 2012, with a due date of January 2, 2013. The Claimant received the information

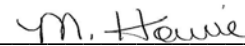
but failed to submit the packet by the due date. Claimant testified that he resided in the upper unit of a flat where his neighbor improperly withheld his mail causing him to receive the Department notices late. Further, he was in and out of the hospital during the period in question. On January 30, 2013, Claimant contacted his Department worker and was told he needed to submit the redetermination packet by the last day of the benefit period to avoid case closure. This was not done. Therefore, the AMP case closed in accordance with department policy. Claimant may re-apply for MA benefits at any time.

Accordingly, the Department Action is Upheld.

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 established It acted properly when it closed the Claimant's AMP case as of February 1, 2013 for failure to provide necessary documentation to determine eligibility.

Accordingly, the Department's AMP determination is hereby, AFFIRMED.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/12/2013

Date Mailed: 6/12/2013

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

MH/hw

cc:

