

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

IN THE MATTER OF:



Reg. No.: 2013-35529
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: June 19, 2013
County: Wayne (82-43)

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 June 19, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close Claimant's Adult Medical Assistance (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 December 11, 2012, the Department sent Claimant a redetermination to complete and return by January 3, 2013.
3. On March 1, 2013, the Department closed Claimant's AMP case due to Claimant's failure to submit a completed redetermination.
4. On February 16, 2013, the Department sent notice of the closure.
5. On March 18, 2013, Claimant filed a hearing request, protesting the closure of his AMP case.

CONCLUSIONS OF LAW

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

Additionally, although the Department closed both Claimant's Food Assistance Program (FAP) and AMP cases due to Claimant's failure to complete a redetermination, at the hearing, Claimant verified that he wished to pursue a hearing only with respect to closure of his AMP case. On February 16, 2013, the Department sent Claimant a Notice of Case Action notifying him that his AMP case would close effective March 1, 2013, because he had failed 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.

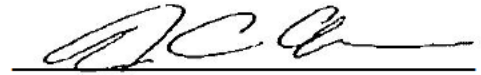
At the hearing, the Department testified that a redetermination was sent to Claimant on December 11, 2012, at the address he verified on the record by the central print office in Lansing. Claimant was required to return the completed redetermination to the Department by January 3, 2013. The Department testified that it did not receive a completed redetermination from Claimant.

Claimant's testimony at the hearing concerning his receipt of the redetermination and his submission of the completed form was inconsistent. Initially, he testified that he did not receive the redetermination but acknowledged that he did not have any mail issues. He subsequently testified that he had, in fact, completed the redetermination because he recalled indicating on the form that he no longer needed FAP benefits. He believed he dropped off the completed form in the Department drop box and signed the log-in sheet for the drop box, but could not verify when he did so, stating that it was sometime in February or March. Claimant's testimony failed to counter the Department's credible testimony that it sent Claimant the redetermination form and did not receive a completed redetermination from him. Thus, the Department acted in accordance with Department policy when it closed Claimant's AMP case.

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 acted in accordance with Department policy when it closed Claimant's AMP case.

Accordingly, the Department's AMP decision is AFFIRMED.



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

Date Signed: June 20, 2013

Date Mailed: June 20, 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 affect 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/pf

cc:

