

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-56368
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 21, 2013
County: Oakland (63-04)

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 August 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]

Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly deny Claimant's Adult Medical Program (AMP) application?

FINDINGS OF FACT

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

1. On April 29, 2013, Claimant applied for AMP.
2. [REDACTED] was identified as Claimant's authorized representative (AR) in the application.
3. On May 15, 2013, the Department sent a Verification Checklist to Claimant at his residency address, not his mailing address, requesting verification of his bank account and end of employment by May 28, 2013.
4. On May 15, 2013, the Department sent the VCL to the AR. The Department also communicated with the AR concerning the VCL requirements via fax and email.

5. The Department did not receive a response to the VCL by the May 28, 2013, due date.
6. On May 31, 2013, the Department denied Claimant's MA application because his income exceeded the income limit and because he did not verify his banking account.
7. On June 24, 2013, Claimant requested a hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services 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.*

Additionally, the Department denied Claimant's AMP application because (1) while he had provided his checking account statement for February 2013 with his April 29, 2013, application, he failed to provide a current statement requested by the Department in the May 15, 2013, VCL and (2) Claimant did not verify end of employment as requested in the VCL resulting in the Department finding that Claimant had excess income for AMP eligibility based on the employment income in its system.

Claimant's first argument at the hearing was that he never received the VCL. The Department acknowledged that the VCL was sent to Claimant at the address he identified as his residence and not his mailing address. However, Claimant had identified the AR as his authorized representative in his application. Department policy provides that the authorized representative assumes all the responsibilities of the client, which includes the responsibility of cooperating with the local office in its determination of initial and ongoing eligibility. BAM 110 (January 2013), p. 7; BAM 105 (March 2013), p. 5. In this case, the Department established that it had sent Claimant's AR the VCL via mail and fax and had communicated with the AR via email. Thus, the Department acted in accordance with Department policy in requesting the verifications.

In the VCL, the Department sought verification of Claimant's end of employment and updated checking account statements. With respect to the request for end of employment, the Department testified that, because its system showed that Claimant had once reported income to the Department, it would continue to budget this income unless the client submitted verification of end of employment. However, because Claimant reported in his application that he had no employment income, verification of end of employment was unnecessary unless the Department ran a consolidated inquiry wage match report showing that current earned income was reported by an employer to

the State, resulting in a discrepancy with the information reported by Claimant. BEM 500 (January 2013), p. 9; BAM 802 (December 2011), p. 1. In the absence of such discrepancy, the Department did not act in accordance with Department policy when it requested verification of end of employment.

The Department also requested verification of checking account. Individuals seeking AMP must establish that their countable assets do not exceed the AMP \$3,000 asset limit. BEM 640 (October 2012), p. 3; BEM 400 (January 2013), p. 4. Checking accounts are assets, and the value of the checking account is the amount of cash in the account. BEM 400, pp. 1, 11, 12. Asset eligibility exists when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. BEM 400, p. 4. The Department must verify the value of countable assets at application. BEM 400, p. 43.

In this case, Claimant provided a copy of his February 2013 with his April 30, 2013, application. The Department requested a current statement in the VCL. Because the Department had to verify asset eligibility at application, the Department acted in accordance with Department policy when it requested current verification of Claimant's checking account. When it did not receive this verification, the Department acted in accordance with Department policy in denying Claimant's AMP application. BAM 130 (May 2012), pp 5-6.

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 denied Claimant's AMP application.

Accordingly, the Department's AMP decision is AFFIRMED.



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

Date Signed: August 27, 2013

Date Mailed: August 27, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

