

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-51475
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: August 8, 2013
County: DHS SSPC-East

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on August 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Assistant Payment Supervisor.

ISSUE

Did the Department properly deny Claimant's Adult Medical Program (AMP) application effective April 1, 2013, ongoing, due to his failure to comply with the verification requirements?

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 30, 2013, Claimant applied for AMP benefits online.
2. On May 9, 2013, Claimant had a telephone interview with the Department.
3. On May 9, 2013, the Department sent Claimant a Verification Checklist (VCL) and Self-Employment Income and Expense Statement, which were both due back by May 20, 2013. Exhibit 1.
4. The Department never received the requested verifications.

5. On May 21, 2013, the Department sent Claimant a Notice of Case Action notifying him that his AMP application was denied effective April 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.
6. On June 5, 2013, Claimant filed a hearing request, protesting the denial. Exhibit 1.

CONCLUSIONS OF LAW

Department 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.*

In this case, on April 30, 2013, Claimant applied for AMP benefits online. On May 9, 2013, Claimant had a telephone interview with the Department. The Department testified that Claimant stated during the interview that he is homeless, he uses his mother's address for the mail, he has a car, he is self-employed, he goes to school, and has child support payments. Based on this information, on May 9, 2013, the Department sent Claimant a Verification Checklist (VCL) and Self-Employment Income and Expense Statement, which were both due back by May 20, 2013. Exhibit 1. The Department testified that it never received the requested verifications. Thus, on May 21, 2013, the Department sent Claimant a Notice of Case Action notifying him that his AMP application was denied effective April 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. This includes completion of necessary forms. BAM 105, p. 5.

For AMP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130 (May 2012), p. 5. If the client cannot provide the verification despite a reasonable effort, the Department extends the time limit up to three times. BAM 130, p. 5. The Department sends a case action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 6.

At the hearing, the Department testified that it never received the verification documents. Claimant testified that he did receive the VCL request. Moreover, Claimant testified that he mailed back the requested verifications with the return envelope that was provided with the VCL documents. Claimant testified that he mailed the documents before the May 20, 2013 due date.

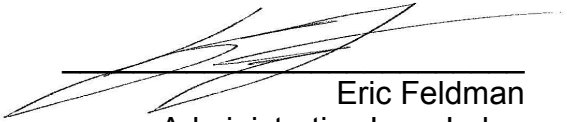
Based on the foregoing information and evidence, the Department properly denied Claimant's AMP application effective April 1, 2013, ongoing. The Department credibly testified that it did not receive the requested verifications. Claimant testified that he mailed them; however, the Department did not receive the requested verifications by the

due date. BAM 130, p. 6. Claimant failed to complete the necessary forms when determining his AMP eligibility. BAM 105, p. 5.

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 act properly when it denied Claimant's AMP application effective April 1, 2013, ongoing.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 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

201351475/EF

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

EF/hj

cc:

