

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-27793

Issue No: 2001

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 18, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 18, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's application for the Adult Medical Program (AMP)?

FINDINGS OF FACT

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

- (1) On July 10, 2008, claimant filed an application for AMP benefits.
- (2) On July 11, 2008, the department denied claimant's application for benefits

because a freeze on AMP enrollments was in effect.

(3) On July 24, 2008, claimant filed a hearing request to protest the department's determination.

(4) At the time of the hearing, claimant had a pending application for AMP. The department was in the process of considering claimant's eligibility in view of claimant's earned income.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

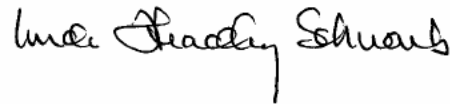
Relevant departmental policy in this matter is as follows:

The Adult Medical Program (AMP) is available to individuals who meet all the eligibility factors in this Item. The Department of Community Health (DCH) will refer to this program as the Adult Benefit Waiver I... Applications received during the freeze on AMP enrollments must be registered and denied. ... PEM Item 640, page 1.

In this matter, when claimant applied for AMP on July 10, 2008, a freeze on AMP enrollments was in effect. The department was required to deny claimant's application. The undersigned Administrative Law Judge must find that the department properly denied claimant's July 10, 2008 application for AMP because an enrollment freeze was in effect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly denied claimant's application for the Adult Medical Program because an enrollment freeze was in effect. Accordingly, the department's determination in this matter must be upheld.



Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/26/09

Date Mailed: 10/26/09

NOTICE: Administrative Hearings 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. Administrative Hearings 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 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.

LSS/at

cc:

