

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: 2008-22670

Issue No: 2001/2014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 2, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 February 2, 2009. Claimant appeared and testified.

ISSUE

Did the department properly close the Claimant's Adult Medical Program (AMP) case for excess income?

FINDINGS OF FACT

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

1. On May 6, 2008 the Department initiated a re-determination of the Claimant's case. The Claimant participated with the review.
2. On May 30, 2008 the Department completed a new budget for the Claimant and determined that he now had excess income for the Adult Medical Program (AMP).

3. On May 30, 2008 the Department closed the Claimant's AMP case.
4. On June 5, 2008 the Claimant requested a hearing.
5. The Claimant's monthly income was [REDACTED] and the AMP income limit for an individual is \$298.

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 (formerly known as the Family Independence Agency) 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).

In the present case, the Claimant reported he had started a new job. The Department completed a budget based on a month of check stubs provided by the Claimant at his review. The new income was in excess of the AMP income limits. The AMP program limits the monthly income for an individual to \$298, PRT Item 236, p.1. The Claimant was making [REDACTED] monthly. The Department instituted a negative action.

The Department properly determined the Claimant had excess income at time of review for the AMP program.

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 was acting in compliance with Department policy when it correctly determined the Claimant to be ineligible for AMP because of excess income and closed his case.

Accordingly, the Department's decision is AFFIRMED.

/s/

Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Service

Date Signed: February 17, 2009

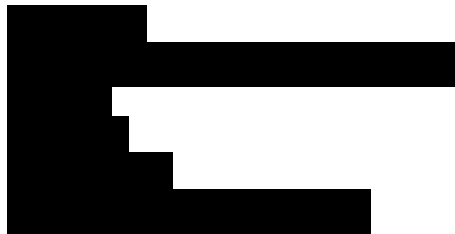
Date Mailed: February 20, 2009

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.

JWO/db

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