

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: 2009-20681
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 26, 2010
Cheboygan County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 telephone hearing was held on May 26, 2010. The claimant personally appeared and provided testimony, along with his wife, [REDACTED].

ISSUE

Did the department properly determine the claimant's Adult Medical Program (AMP) application should be denied due to excess income in March, 2009?

FINDINGS OF FACT

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

1. The claimant and his wife applied for AMP benefits on March 9, 2009.

(Department Exhibit 1)

2. The claimant received Unemployment Compensation Benefits (UCB) in the amount of \$374 biweekly. (Department Exhibit 5)
3. When the income was budgeted, it caused the claimant and his wife to be excess income for AMP benefits. (Department Exhibit 3 – 4)
4. The claimants were mailed an Eligibility Notice on March 11, 2009 that indicated they were denied AMP due to excess income. (Department Exhibit 2)
5. The claimant submitted a hearing request on March 19, 2009.

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).

Department policy states:

Income Eligibility

Application

Income eligibility exists when the program group's **net** income does not exceed the program group's AMP income limit.

Income Limit. The AMP income limits are in PRT 236. When the client's living arrangement changes during a month, use the living arrangement with the higher income limit.

In this case, the claimant and his wife applied to receive AMP benefits. Department policy requires the department to count the gross amount of UCB as unearned income. PEM 500. The claimant receives \$374 biweekly in UCB. This gross amount must be considered as his income. The income limits for AMP coverage are contained in PRT 236. The table effective

in March, 2009 indicates that a husband and wife must have income below \$413 to qualify for AMP benefits. The claimants' net income was \$748 due to the UCB, thus, the claimants had excess income to be approved for AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly found the claimant had excess income for AMP coverage in March, 2009.

Accordingly, the department's determination is UPHELD. SO ORDERED.

/s/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 10, 2010

Date Mailed: June 14, 2010

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 mailing 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.

SLK 

cc: 