

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: 2009-21874

Issue No: 4014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 26, 2010

Cheboygan County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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.

ISSUE

Whether the department properly determined claimant's eligibility for Adult Medical Program (AMP) benefits.

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 or about March 24, 2009, claimant applied for Adult Medical Program benefits. Department Exhibit A, pgs 1-15.

(2) March 27, 2009, the department prepared an AMP budget. Total household income was [REDACTED] consisting of claimant's husband's [REDACTED] s. The Adult

Medical Program income limit is [REDACTED] Claimant had excess income to qualify. Department Exhibit A, pgs 16-18.

(3) March 27, 2009, the department sent claimant written notice that the application was denied. Department Exhibit A, pg 19.

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).

Spouses are responsible for each other. Needy spouses living together are expected to share income, assets, and expenses. Bridges Eligibility Manual (BEM) 214; Title XXI of the Social Security Act, (1115)(a)(1) of Social Security Act.

AMP income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. The AMP income limits are in RFT 236. BEM 640; Title XIX Section (1115)(a)(1)

The AMP income limit for an individual and spouse in independent living is [REDACTED] per month. RFT 236.

After careful examination of the record, the Administrative Law Judge finds that the department properly determined claimant's eligibility for AMP. Claimant's spouse's income must be included when determining claimant's AMP eligibility. Claimant's spouse's income of [REDACTED] exceeds the AMP income limit for a household of two in independent living of

██████████. Accordingly, the department has met its burden of proof and its action must be upheld.

Finding of Fact 1-3.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined claimant's eligibility for Adult Medical Program benefits.

Accordingly, the department's action is, hereby, UPHELD.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 15, 2010

Date Mailed: June 15, 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 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.

JAB/db

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