

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.: 2009-23339  
Issue No.: 2001  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
July 20, 2009  
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on July 20, 2009. The Claimant appeared and testified. [REDACTED], ES and [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Adult Medical Program ("AMP") benefits based on excess income?

FINDINGS OF FACT

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

1. Claimant applied for AMP benefits and was denied March of 2009 due to excess income. (Exhibit 1).
2. Claimant lives alone and has a group size of one.

3. Claimant testified that he received \$239.00/week in unemployment compensation.
4. A Department print out of unemployment compensation benefits shows that Claimant was receiving \$362.00/week January through early March, 2009. As of 3/8/09 the benefits decreased to \$269.00/week. (Exhibit 2).
5. Claimant testified that he works at the home football games (usually 10 per season) for seven hours per game at \$11.20 per hour. Claimant testified that he had pay stubs as follows:
  - a. 4/17/09 = \$182.00 (16 hours)
  - b. 5/15/09 = \$44.80
  - c. 12/26/09 = \$72.80
6. The Department determined that Claimant had a net income of \$2,411.00 in unearned income. This amount was used to calculate an AMP budget dated 5/18/09 and deny Claimant benefits. (Exhibit 1).
7. Claimant requested a hearing on 5/7/09 contesting the department's determination that Claimant's income was in excess of the AMP limit.

#### 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).

The Adult Medical Program (AMP) is available to individuals who meet all the eligibility factors. PEM 640. The program group's countable assets cannot exceed the AMP asset limit in

PEM 400. Income eligibility exists when the program's net income does not exceed the program group's AMP income limit. PEM 640, p. 3, RFT 236. Countable income is income remaining after applying AMP policy in PEM 500. Id. Only available income is used. Available means income which is received or can reasonably be anticipated. For average income received in one month which is intended to cover several months, the Department is instructed to divide the income by the number of months it covers to determine the monthly available income. The average amount is considered available in each of the months. PEM 640, p. 4.

The monthly income limit in January of 2009 for an AMP group of one living independently was \$304.00 per month. PEM 640, RFT 236. In the present case, it is unclear from the documents provided how the Department arrived at \$2,411 in unearned income. Claimant was receiving \$362.00/week in unemployment compensation in the months January – early March, 2009. The amount decreased to \$239.00/week effective 3/8/09 which calculates to \$1035.00/month. Even without considering Claimant's earned income, he is over the income limit for the AMP program. Claimant is consequently ineligible to receive Medical Assistance through the AMP program.

The undersigned finds that the Department has acted in accordance with department policy and law in denying Claimant AMP benefits as Claimant was over income.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted in accordance with department policy when it denied Claimant AMP benefits.

Accordingly, the Department's determination is hereby, AFFIRMED.

/s/  
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Jeanne M. VanderHeide  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 08/20/09

Date Mailed: 08/25/09

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.

JV/jlg

cc:

[REDACTED]