

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.: 2009-25005
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 13, 2009
Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on July 13, 2009. The Claimant appeared personally and testified

ISSUE

Did the Department properly deny the Claimant's Adult Medical Assistance (AMP)?

FINDINGS OF FACT

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

1. On March 31, 2009, the Claimant applied for AMP.
2. Claimant's income is \$606.60 per month.
3. On May 1, 2009, the Department ran a budget with the information provided by the Claimant. (Department's exhibit 3, pp. 1-2).

4. On May 1, 2009, the Department sent the Claimant a notice that her AMP would be denied for excess income.
5. On May 2, 2009, the Claimant filed a request for a hearing.

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 determining net income:

Income Deductions

Individual Deduction. Deduct \$200 from a program group member's gross earnings. Then deduct 20% of the person's remaining gross earnings. The total disregard cannot exceed the person's gross earnings. (PEM 640, p.5).

Here, the income is \$606.60. Using the above calculation the total disregard is \$281.32.

This results in \$325.28 net earned income.

According to RFT 236 the income limit for AMP is \$316.00 for an individual living independently. (RFT 236). The department used the figure of \$304.00 as a limit. This is the figure used for a substance abuse treatment center or a long term care facility. The claimant does not qualify in either instance. In any event, the net income exceeds the minimum net income level allowable.

I find the department was correct in denying the claimant AMP based on excess income.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department decision in this matter.

/s/

Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/18/09

Date Mailed: 08/18/09

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.

MJB/jlg

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