

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: 2009-27471
Issue No: 2001; 3002; 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 28, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 July 28, 2009.

ISSUE

Was the claimant's AMP application properly denied for excess assets?

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 5-15-09, claimant applied for FAP assistance and AMP based Medicaid.
- (2) Claimant's application for AMP based MA was denied for excess income.
- (3) Claimant's FAP was approved at the amount of \$16.
- (4) On 6-8-09, claimant requested 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 (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).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Claimants must meet all eligibility requirements to receive AMP benefits. BEM 640. Income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. BEM 640. AMP income limits are contained in RFT 236, which is \$316 in the current case. Only countable income, per BEM 500 is used in determining AMP net income. BEM 640.

Claimant's total unearned income must be counted, the amount of which is \$1,448 in the current case, after taking into account claimant's UCB benefits of \$362 dollars weekly. This amount was verified by the claimant himself and Department Exhibit 6. A deduction of \$447 is allowed for the amount of child support the claimant pays out. This leaves claimant with a net

income of \$1,001. This is more than the AMP income limit of \$316. Therefore, AMP was correctly denied.

With regard to claimant's FAP budget, the Administrative Law Judge has reviewed the budget and found no critical errors. While the Department budgeted the wrong amount of child support payments that the claimant is responsible for, this error does not materially affect the net result, and therefore, the error is harmless. Claimant could not point out a particular error in the budget. Therefore, the Administrative Law Judge must conclude that the claimant was correct to be awarded an FAP amount of \$16.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct when it determined claimant's income exceeded the income limit for the AMP program. The Department was correct when it determined claimant was eligible for an FAP benefit amount of \$16.

Accordingly, the Department's decision in the above-stated matter is, hereby,
AFFIRMED.

/s/ _____
Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 21, 2009

Date Mailed: September 21, 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.

2009-27471/RJC

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.

RJC/cv

cc:

