

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: 2009-29649
Issue No: 4014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 7, 2010
Oceana 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 January 7, 2010. Claimant was represented by [REDACTED]

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) May 1, 2009, claimant applied for AMP. Department Exhibit A, pgs 1-14.
- (2) June 11, 2009, the department prepared an AMP budget. Total income for group was [REDACTED] consisting of claimant's husband's earnings. A standard [REDACTED] plus [REDACTED] percent was deducted leaving that earned income of [REDACTED]. Claimant had excess income to qualify for AMP.

Department Exhibit A, pg 16. Claimant was provided written notice that the application was denied.

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 manuals provide the following statements and instructions for caseworkers:

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. A hearing will take place at the local office and the AHR or, if none, the client has been unable to resolve the issue(s) which prompted the hearing request. The Administrative Law Judge (ALJ) determines the fact based only on evidence produced at the hearing, draws a conclusion of law, and determines whether DHS policy was appropriately applied. Bridges Administrative Manual (BAM) 600; Chapter XXI of the SSA (42 USC aa et. seq.)(42 USC 1315)

In this case, claimant applied for Adult Medical Program benefits. The department determined claimant had excess income to qualify and denied the application. Finding of Fact 1-2. At hearing, claimant's authorized hearing representative (AHR) testified that the income budgeted was correct and she believed the department's eligibility determination was without error. Accordingly, the department has met its burden of proof and its action must be upheld.

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 Assistance.

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: January 27, 2010

Date Mailed: January 28, 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

cc:

