

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2009 30098
Issue No: 2001, 2014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 8, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 by telephone in Detroit on December 8, 2010, at which time the Claimant appeared and testified. Denise Gunn, ES appeared and testified on behalf of the Department.

ISSUE

Was the claimant's AMP case properly closed due to excess income?

FINDINGS OF FACT

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

1. The Claimant applied for Adult Medical Assistance (AMP) and her case was closed due to excess income.
2. The Department computed the eligibility budget and determined the Claimant's gross income to be \$550. This income calculation was based upon Employment verification of the Claimant's employer, [REDACTED]. Exhibit 1
3. The income amounts reported by [REDACTED] were not disputed by the Claimant.
4. The Claimant also confirmed that she received alimony in the amount of \$203.50.

5. The Department calculated the Claimants net earned income to be \$280 which is correct. Exhibit 2
6. The Department included the Claimant's alimony in the amount of \$203 in the budget as unearned income, which is correct. Exhibit 2
7. The income limit for the Adult Medical program at the time of the budget was \$304.
8. The Department correctly concluded that the Claimant's net income of \$483 exceeded the AMP income limit of \$304. Exhibit 2
9. The Claimant requested a hearing on April 23, 2009, protesting the closure of the Claimant's AMP case due to excess income. The Claimant's hearing request was received by the Department on April 23, 2009.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM) and Reference Tables (RFT).

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 Bridges Eligibility Manual (PEM) and the Reference Manual (PRM).

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 PEM 500 is used in determining AMP net income. PEM 640.

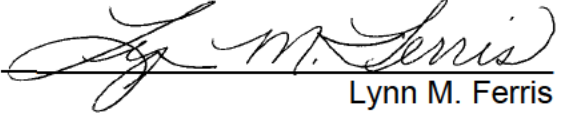
Claimant's total earned income was correctly computed based upon her employer's report of her weekly earnings. The Department used the last 30 days of earnings income to get the gross monthly amount of \$550. ($\$128 + \$128 + \$132 + \$142.50 = \550.) The Department is next required to determine the net income. The Department, when determining net income, is required to grant a \$200 disregard (deduct) which is subtracted from the earned income and then 20% of the reduced income is also deducted. ($\$550 - \$200 = \$350$ X $.20\% = \$70$; $\$350 - \$70 = \$280$ Net Earned Income). The Department is required to add the alimony the Claimant received, which was \$203 to the net earned income which totaled \$483. The Claimant's net income is more than the AMP income limit of \$304. Therefore, the closure of Claimant's

AMP benefits was correct. The Claimant is urged to apply for medical assistance to see if she is eligible for any other medical assistance.

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 from employment and alimony exceeded the income limit for the AMP program.

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



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/15/10

Date Mailed: 12/20/10

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 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.

LMF/dj

cc:

