

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

IN THE MATTER OF:



Reg No.: 2009-30327
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 16, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 a hearing. After due notice, a telephone hearing was held on June 16, 2010. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's Adult Medical Program (AMP) benefits based upon its' determination that claimant had 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) Claimant was receiving the AMP and had a re-determination in April 2009.
- (2) During the interview the claimant indicated that he had been terminated from employment due to his illness.
- (3) The claimant was approved for unemployment compensation benefits and reported the unemployment compensation benefits on May 4, 2009.
- (4) The specialist budgeted the amounts of unemployment compensation (UCB) income, but claimant ended up with excess income for the AMP.

- (5) For the record the department did not provide the Administrative Law Judge with a budget in which to make a determination as to whether or not claimant was eligible to receive the AMP.
- (6) On May 29, 2009, the department caseworker sent claimant notice that his AMP benefits would be cancelled effective July 1, 2009, based upon his receipt of Veterans Administration benefits instead of unemployment compensation benefits.
- (7) On June 5, 2009, claimant filed a request for a hearing to contest the department's negative action.

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).

Based upon the claimant's age and the fact that he has no minor children and he is not considered disabled the Adult Medical Program (AMP) is the only form of Medical Assistance (MA) available to the department of Human Services. Even if the enrollment periods were open, claimant was receiving unemployment compensation benefits in the amount of \$ [REDACTED] per month and exceeds the income level for the program. Program Reference Manual, RFT, Item 236, indicates that a person in claimant's circumstances have an income limit of \$ [REDACTED] per month for purposes of the AMP eligibility. The AMP budget (department exhibit 4-6) indicates that claimant was receiving \$ [REDACTED] per month in unemployment compensation benefits and as of May 1, 2009. After being given all income deductions he was receiving \$ [REDACTED] which was the MA budgeted amount for the AMP. If claimant had a net unearned income of \$ [REDACTED] per month and the AMP limit is \$ [REDACTED] the claimant does not meet the income standards for AMP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's continued receipt of the AMP, because claimant had excess income for purposes of the Adult Medical Program.

Accordingly, the department's decision in regards to the Adult Medical Program is hereby AFFIRMED.

/s/

Landis Y. Lain
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 12, 2010

Date Mailed: July 13, 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 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.

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