

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: 2009-30633

Issue No: 2001

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 9, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 November 9, 2010. The claimant personally appeared and provided testimony, by and through her representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's Adult Medical Program (AMP) application in April, 2009?

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 Medical Assistance (MA) on April 23, 2009.
2. The claimant received UCB in the amount of \$689 biweekly. (Department

Exhibit 4 - 5)

3. The department mailed the claimant an Eligibility Notice (DHS-283) on April 23, 2009, informing the claimant her application for AMP was denied due to excess income.

(Department Exhibit 6)

4. The claimant submitted a hearing request on June 22, 2009.

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 policy states:

Income Eligibility

Application

Income eligibility exists when the program group's **net** income does not exceed the program group's AMP income limit.

Income Limit. The AMP income limits are in RFT 236. When the client's living arrangement changes during a month, use the living arrangement with the higher income limit.

Department policy requires the department to count the gross amount of UCB as unearned income. PEM 500. In this case, the claimant received \$724 on March 16, 2009; \$683 on March 30, 2009 and \$689 on April 13, 2009 in UCB earnings. The gross amount must be considered as her income. When averaged, this results in an unearned income of \$1372. The claimant also had a small amount of earned income.

The income limits for AMP coverage are contained in RFT 236. The income limit effective April, 2009 was \$304. The claimant was over the income limit and is not eligible for AMP coverage.

It is noted that the claimant was not eligible for any other form of Medical Assistance (MA) as the claimant is not disabled, blind, under age 21 or over age 65 and does not have any dependent minor children.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly found the claimant had excess income for AMP coverage in April, 2009.

Accordingly, the department's determination is UPHELD. SO ORDERED.

/s/
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 10, 2010

Date Mailed: November 12, 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.

SLM [REDACTED]

cc: [REDACTED]