

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: 2009-31731
Issue No: 2001/2026
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 6, 2010
Allegan 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 July 6, 2010.

ISSUE

Whether the department properly determined claimant's eligibility for Medical Assistance (MA) and Adult Medical Program (AMP).

FINDINGS OF FACT

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

- (1) During May 2009, claimant was a recipient of MA.
- (2) Claimant turned 21 during May 2009. Claimant was not disabled, blind, or age 65 or older. He was not a caretaker of a minor dependent child.

(3) During May 2009, the department completed a determination of claimant's financial eligibility for Adult Medical Program benefits. Claimant had gross earned income of [REDACTED]. Two hundred dollars plus 20 percent of the earned income was deducted for a net earned income for Adult Medical Program purposes of [REDACTED]. Claimant had excess income to qualify. Department Exhibit A, pgs 4-5.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

To qualify for Medical Assistance, an individual with no dependent children must be under age 21, age 65 or older, disabled, or blind. BEM 105.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

Eligibility for AMP exists when the program group's net income does not exceed the program group's AMP income limit. The AMP income limits are set forth in RFT 236. BEM 640; Title XVIII Section (1115)(a)(1); Policy has been developed jointly by the Department of Community Health and the Department of Human Services. AMP monthly income limit for an individual in independent living is \$316.00. RFT 236.

In this case, claimant asserts that his mother reported and verified stopped income. At hearing, claimant's mother testified that she had faxed the information to the department and followed it up with a phone call during the first week of May. The department credibly testified that it did not receive a fax or other notice of stopped income. At hearing, claimant did not provide documentary evidence that the fax was sent. Accordingly, a preponderance of the evidence indicates that the department had not been provided with notice of claimant's stopped wages at the time the department determined his AMP eligibility. Accordingly, the claimant has not met his burden of proof that the department was in error and the department's action to deny AMP must be upheld. Finding of Fact 3.

After May 2009, claimant was not under age 21, age 65 or older, disabled, or blind. Finding of Fact 2. Accordingly, claimant did not meet requirements. As such, the department's action to terminate his Medical Assistance must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly determined claimant's eligibility for Medical Assistance and Adult Medical Program.

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: November 29, 2010

Date Mailed: November 30, 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:

