

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.: 200936735
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 29, 2010
Office: Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 November 29, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Adult Medical Program (AMP) benefits 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. Claimant applied for Medical Assistance (MA) benefits on 5/13/09 by submitting an Assistance Application to DHS.
2. At the time of Claimant's application, Claimant was receiving \$498/two weeks from unemployment compensation (UC) income (Exhibit 3).
3. Claimant's Assistance Application did not assert that Claimant was any of the following: under 21 years of age, over 65 years of age, disabled, pregnant or a caretaker of a minor child.
4. On 6/4/09, DHS completed a budget (Exhibit 2) and determined that Claimant had excess income for AMP benefits.

5. On 6/4/09, DHS mailed Claimant a notice of denial for AMP benefits.
6. Claimant requested a hearing on 7/6/09 disputing the denial of MA benefits.

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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT). At the time of Claimant's application, DHS policies were found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and 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 (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* AMP is a program within the MA benefit program.

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The Medicaid program is comprised of several sub-programs or categories. PEM 105 at 1. One category is FIP recipients; another category is SSI recipients. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories.

At the time of Claimant's application, Claimant did not assert being any of the following: disabled, pregnant, under 21 years of age, over 65 years of age or a caretaker of minor children. Accordingly, Claimant was not eligible for any FIP-related or SSI-related MA categories and could only be eligible for MA benefits through AMP.

At application for AMP benefits, DHS is to calculate a client's monthly income using amounts already received in the processing month. In addition, DHS is to estimate

200936735/CG

amounts likely to be received during the remainder of the month. *Id* at 4. For all programs, DHS is to count the gross amount of UC income. PEM 503 at 25.

In the present case, DHS processed Claimant's AMP benefits in 6/2009; thus, 6/2009 is the processing month. In 5/2009, Claimant received \$498 in gross UC income on 5/4/09 and 5/18/09. Claimant conceded receiving these same amounts in 6/2009. It is found that Claimant's gross income for 6/2009 is \$996, the same amount calculated by DHS.

Income eligibility for AMP exists when the program group's monthly net income does not exceed the program group's AMP income limit. PEM 640 at 3. The AMP monthly income limit for a group of one is \$316. Claimant's income exceeds the AMP program income limit. Accordingly, Claimant is not eligible for AMP benefits and DHS properly denied Claimant's application dated 5/13/09 for MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application for MA benefits dated 5/13/09. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/8/2010

Date Mailed: 12/8/2010

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.

CG/hw

200936735/CG

cc:

