

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: 2009-8077
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 13, 2009
Emmet County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 October 13, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Adult Medical Program (AMP) benefits in November, 2008?

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 an AMP recipient when the department received information that he started a job.
2. A New Hire form was returned by the claimant on November 12, 2008, stating he is working 30 hours per week at \$9.50 per hour.

3. Department then computed an AMP budget and determined that the claimant's income exceeded AMP income limits.

4. On November 13, 2008, department mailed the claimant a notice telling him that his AMP benefits will terminate on November 25, 2008.

5. Claimant requested a hearing on November 21, 2008, and his AMP case remains active pending the outcome of this hearing.

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).

Claimant's income as used by the department in the AMP budget was discussed with him. Claimant's stated that the income figures are correct. Claimant was not aware that the income limit for AMP is \$304 per month. RFT 236. Claimant's net income as budgeted by the department was \$752 per month, well exceeding the AMP income limit. Claimant states he now understands AMP budgeting procedures, and has nothing more to add.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly took action to terminate claimant's AMP benefits in November, 2008.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 4, 2009

Date Mailed: November 5, 2009

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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