

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: 2009-14791

Issue No: 2001

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 28, 2009

Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 28, 2009.

ISSUE

Did the Department of Human Services (DHS) properly propose to close claimant's Adult Medical Program (AMP) pursuant to a 1/13/2009 proposed negative action notice 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) At all relevant times prior to the proposed negative action at issue herein, claimant was a recipient of welfare benefits under the AMP program.

(2) At a semi-annual review, the DHS obtained verification that claimant began working at [REDACTED]. The department budgeted income in the AMP budget totaling \$605 for the month. Exhibit 1.4.

(3) Claimant did not dispute the earned income.

(4) The AMP cap at the time the department calculated claimant's eligibility in the AMP budget was \$304 per month.

(5) Claimant's earnings of \$605 exceed the \$304 cap.

(6) On 1/13/09, the DHS issued a notice of case action to claimant informing her that effective 1/27/09 her AMP will close for excess income.

(7) Claimant filed a timely hearing request on 1/16/09. The department reinstated the action pending the outcome of the hearing.

(8) SOAHR did not schedule an administrative hearing in this matter until after claimant's next semi-annual review. At the next semi-annual review, the department once again issued a proposed negative action which took place due to a hearing request which was not requested within the 11-day timely period.

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).

AMP RFT 236, p. 1, indicates the cap for the AMP program. The cap is now \$316. The department did not have evidence of the cap at the time of the proposed negative action. However, the budget shows the amount to be \$304.

Whether the cap was correctly input at \$304 or it should be \$316, claimant's income of \$605 exceeds the income cap. Claimant did not dispute the earnings and in fact, continues to work at [REDACTED] and makes more earnings than she made at the time the department did the budget. For these reasons, the department's proposed actions are upheld.

It is noted that the parties were very confused at the administrative hearing. The department insisted that the action herein was never taken, was never input into the system, and that the system did not reflect the action herein. At the administrative hearing, the department had documents regarding a subsequent hearing request at the next semi-annual review from July, 2009. However, that hearing request, according to the SOAHR system, has not been scheduled. SOAHR is very behind in hearing requests and the department's next semi-annual review actually took place prior to the scheduling of the administrative hearing pursuant to claimant's January, 2009 hearing request and the proposed negative action associated with the January, 2009 request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's proposed actions were correct.

Accordingly, the department's proposed closure is hereby UPHELD.

It is noted that the closure actually took place at claimant's next semi-annual review for the same reason of excess income. Claimant's subsequent semi-annual review took place prior to the State Office of Administrative Hearings and Rules scheduling claimant's hearing for the previous semi-annual negative action associated with that review.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 2, 2009

Date Mailed: November 2, 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 mailing date of the rehearing decision.

JS/cv

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