

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: 2009-17099
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 1, 2009
Dickinson 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 July 1, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Adult Medical Program (AMP) benefits in March, 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. Claimant was an AMP recipient when he began employment on October 7, 2008. Claimant failed to report these earnings, but they were discovered through a computer matching hit on February 4, 2009.

2. A Verification of Employment form, DHS-38, was completed by claimant's employer in February, 2009 showing he works 26 hours per week at \$7.75 per hour.

(Department's Exhibits 3 and 4).

3. On February 18, 2009, department computed AMP budget counting claimant's employment income. This budget resulted in excess income for AMP. (Department's Exhibits 5 and 6).

4. On February 18, 2009, department sent the claimant a notice telling him that his AMP benefits will end on March 3, 2009, due to excess income. (Department's Exhibit 7). Claimant requested a hearing on February 25, 2009, and his AMP benefits continue 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).

Departmental policy states:

DEPARTMENT POLICY

DETERMINE IF AN ENROLLMENT FREEZE IS IN EFFECT BEFORE CONSIDERING ELIGIBILITY FOR THIS PROGRAM.

AMP Only

The Adult Medical Program (AMP) is available to individuals who meet all the eligibility factors in this item. The Department of Community Health (DCH) will refer to this program as the Adult

Benefit Waiver 1. Certain aliens are limited to coverage of emergency services. PEM 640.

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 PRT 236. When the client's living arrangement changes during a month, use the living arrangement with the higher income limit.

COUNTABLE INCOME

AMP-H

Use only countable income. Countable income is income remaining after applying AMP policy in PEM 500. PEM 640.

AVAILABLE INCOME

AMP-H

Use only available income. Available means income which is received or can reasonably be anticipated. Available income includes amounts garnisheed from income, joint income, and income received on behalf of a person by his representative. See PEM 500 for details.

Income Deductions

Individual Deduction: Deduct \$200 from a program group member's gross earnings. Then deduct 20% of the person's remaining gross earnings. The total disregard cannot exceed the person's gross earnings.

Group Deduction: Deduct the amount of court-ordered support paid by program group members in the month being tested from the program group's remaining income. The deduction can be no greater than the amount ordered for the month. Do not deduct arrearage payments. PEM 640.

AMP income limit for the claimant is \$304 per month. Claimant's employment income as verified by his employer was \$806 per month gross. After deduction of \$200 plus 20% from this income, claimant's net income was \$485, exceeding the AMP income limit. Department's determination that the claimant was no longer eligible for AMP due to his employment income was therefore correct.

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 March, 2009.

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: July 28, 2009

Date Mailed: July 29, 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.

IR [REDACTED]

cc:

[REDACTED]