

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: 2009-18113

Issue No: 2001

Case No: [REDACTED]

Load No: 3300021215

Hearing Date:

May 19, 2010

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 May 19, 2010. The claimant personally appeared and provided testimony, along with a Peer Support Specialist with the Justice in Mental Health Organization.

ISSUE

Did the department properly determine the claimant's Adult Medical Program (AMP) case should close due to excess income in January, 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. The claimant was receiving AMP benefits when the department determined that his monthly income exceeded the income limit for the AMP program. (Department Exhibit 1)

2. On January 17, 2009, the department closed the claimant's AMP case due to excess income. (Department Exhibit 5)

3. The claimant submitted a hearing request on February 23, 2009.

### 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).

Department policy states:

#### **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.

Department policy requires the department to count the gross amount of income.

PEM 500. In this case, the claimant receives \$384.79 twice each month from working at the Justice in Mental Health Organization. The total monthly gross amount must be considered as his income. The income limits for AMP coverage are contained in PRT 236. The table effective in January, 2009 lists the income limit at \$304. The claimant was over the income limit and, therefore, is not eligible for AMP coverage.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly found the claimant had excess income for AMP coverage in January, 2009.

Accordingly, the department's determination is UPHELD. SO ORDERED.

/S/ \_\_\_\_\_  
Suzanne L. Keegstra  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: June 2, 2010

Date Mailed: June 3, 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 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.

SLK [REDACTED]

cc: [REDACTED]