

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: 2009-20886
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 28, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on September 28, 2010. Claimant and her authorized hearing [REDACTED] appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's March 5, 2009 application for Adult Medical Program (AMP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On March 5, 2009, Claimant submitted an application for Adult Medical Program (AMP) benefits. At that time Claimant was receiving Unemployment Compensation Benefits (UCB).
- (2) On March 10, 2009, a financial eligibility budget was run using Claimant's income from Unemployment Compensation Benefits (UCB). The budget indicated Claimant was not eligible for AMP due to excess income. Claimant was sent notice of the Department's determination.
- (3) On March 17, 2009, Claimant submitted a request for 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

When determining eligibility for Adult Medical Program (AMP) benefits in accordance with Department policy total income must be evaluated. All earned and unearned income must be included, unless specifically excluded. Bridges Eligibility Manual, Item 500. A portion of earned income, 20%, and \$200 is disregarded to determine net earned income. The Department also subtracts child support and/or spousal support being paid. The resulting net income must be less than the specific Adult Medical Program (AMP) monthly income limit as specified in Program Reference Manual, Table 236. In this case, the Administrative Law Judge has reviewed the Adult Medical Program (AMP) budget and finds that the department properly computed the claimant's net income. Claimant had a net income of \$[REDACTED]. The Adult Medical Program (AMP) monthly income limit specifically applicable to Claimant was \$[REDACTED]. Claimant was not eligible for the Adult Medical Program (AMP) due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's March 5, 2009 application for Adult Medical Program (AMP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: October 1, 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.

GFH/alc

cc:

