

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: 2009-2567
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 8, 2010
Washtenaw 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 April 8, 2010. Claimant appear but speaks very little English. Claimant's husband [REDACTED] appeared and testified, and also translated the content of the hearing to the claimant.

ISSUE

Did the department correctly determine that the claimant was not eligible 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. Claimant and her husband applied for AMP, Medicaid (MA) and Food Assistance Program benefits on September 23, 2008.

2. On October 6, 2008 the couple was seen in person by department's caseworker and it was explained to them that the claimant is not eligible for AMP due to RSDI of her husband, thus resulting in excess income for this program.

3. Department denied claimant's AMP application. Claimant's husband was approved MA because he is disabled. Claimant however is not disabled and not over 65 years of age, and there were no MA categories for which she was qualified for.

4. Claimant requested a hearing on October 14, 2008.

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).

Departmental policy on AMP group composition defines who must be included in such group. Eligibility Determination Group (EDG) consists of the individual and the individual's spouse who lives with the individual and does not receive Family Independence Program benefits, Refugee Assistance Program benefits, or a refugee matching grant. A spouse who is an SSI recipient is also excluded from the AMP EDG. BEM 214.

Claimant's spouse is an RSDI recipient and therefore must be included in her AMP EDG when determining her AMP eligibility. Such inclusion results in the department also having to consider the RSDI of claimant's husband. AMP income eligibility exists when the program group net income does not exceed the program group's AMP income limit. BEM 640. AMP income limit for the claimant's AMP group of 2 is \$413 per month and her husband's RSDI is

\$677 per month. AMP income limit is therefore exceeded and claimant is not eligible for AMP.

Claimant is 61 years of age and not disabled, and therefore does not qualify for any MA

categories. Claimant's husband indicates he now understands AMP denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly determined that the claimant is not eligible for AMP benefits.

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: April 19, 2010

Date Mailed: April 19, 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.

cc:

[REDACTED]