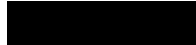


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-26371
Issue No.: 2001
Case No.:
Load No.:
Hearing Date:
February 17, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 17, 2010. The Claimant personally appeared and testified via her interpreter, Ayman Wahab.

ISSUE

Did the Department (DHS) properly determine Claimant's ongoing eligibility for Adult Medical Program (AMP)?

FINDINGS OF FACT

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

1. Claimant and her spouse were ongoing AMP recipients.

2. Claimant's AMP group size is two.
3. Claimant's spouse's earned income was \$800 for 5/2009.
4. DHS found Claimant and her spouse ineligible for AMP sometime in 4/2009
5. Claimant's AMP ineligibility was based on excessive income.
6. Claimant filed a Request for Hearing on 5/12/09 protesting the AMP closure.

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 (formerly known as the Family Independence Agency) 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). In the instant case, the Claimant questions the closure of her AMP case.

The undersigned has reviewed the MA budget and found it to be correct. The AMP group's earned income is \$800 per month. PEM 640 requires an income deduction of \$200 and a subsequent 20% from the remaining income. Claimant's deduction was properly calculated at \$320 creating a net income of \$480. The AMP net income limit for an individual and spouse is \$425 per month. RFT 236. Claimant's net income (\$480) exceeds the limits for AMP (\$425).

This ALJ sympathizes with the claimant but there is nothing that can be done to change the above calculation. Claimant may be eligible for Medicaid based on disability and has a pending application with DHS however that issue is not relevant to the AMP closure.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/4/2010

Date Mailed: 3/4/2010

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

MJB/jlg

cc:

