

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

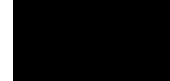


Claimant

Reg. No: 2009-27152

Issue No: 4013/2001

Case No:



Load No:

Hearing Date:

March 18, 2010

St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 March 18, 2010. Claimant personally appeared and testified.

ISSUE

Does claimant's household's monthly income exceed the State Disability Assistance (SDA) and Adult Medical Program (AMP) income limits?

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 April 10, 2009, the department received claimant's SDA/AMP application (Department Exhibit #1, pgs 1-16).

(2) Beginning in January 2009, claimant's husband started to receive [REDACTED] in gross [REDACTED]; however, his net income was [REDACTED] after his [REDACTED] insurance premium was deducted (Department Exhibit #1, pgs 19 and 22).

(3) The department's income limit for SDA eligibility for an individual and his/her spouse is [REDACTED] per month, according to the department's policy located at RFT Item 225, pg 1).

(4) The department's income limit for AMP eligibility for an individual and his/her spouse is [REDACTED] per month, according to the department's policy at RFT Item 236, pg 1).

(5) When the department budgeted this household's income they determined the disputed application must be denied due to excess income (Department Exhibit #1, pgs 24-25 and 27-28).

(6) On April 14, 2009, the department mailed claimant written notices of the SDA/AMP denials; whereupon, claimant filed a timely hearing request dated April 15, 2009 (Department Exhibit #1, pgs 26 and 29).

(7) At the hearing, claimant and her husband expressed their opinion the department's program qualifying income limits are set too low, and thus, unfairly deprive them of qualifying status.

#### CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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).

The material facts of record in this case are not in dispute. This household's countable monthly income exceeds program limits; consequently, the department had no alternative but to deny their disputed application.

Claimant's grievance centers on dissatisfaction with the department's current policy. Claimant's request is not within the scope of authority delegated to this Administrative Law Judge pursuant to a written directive signed by the Department of Human Services Director, which states:

Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

Furthermore, administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. *Michigan Mutual Liability Co. v Baker*, 295 Mich 237; 294 NW 168 (1940).

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides claimant's household's monthly income exceeds the SDA/AMP income limits.

Accordingly, the department properly denied claimant's April 10, 2009 SDA/AMP application.

/s/ \_\_\_\_\_  
Marlene B. Magyar  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: March 23, 2010

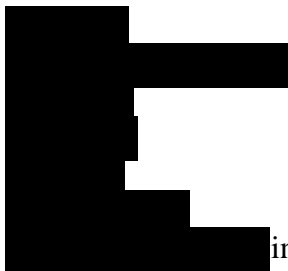
Date Mailed: March 24, 2010

**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 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.

MBM/db

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