

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.: 2009-32056
Issue No.: 2001, 2014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 29, 2010
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 by telephone in Detroit on July 29, 2010, at which time the Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (Department).

ISSUE

Was the claimant's Adult Medical Program (AMP) case properly closed due to excess income?

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 a recipient of Food Assistance Program benefits (FAP) and was a recipient of Adult Medical Program benefits (AMP).
2. On July 1, 2009, the Claimant was sent a Semi Annual Contact Report which she completed. As part of the information which was supplied, the Claimant's verification of employment indicated that her income from work had increased.
3. The Claimant's biweekly pay stub for May 14, 2009, indicates that she worked 42 hours at \$9.00 an hour for a gross income of \$378; and for the pay period May 28, 2009, she worked 40 hours at \$9.00 an hour for a gross income of \$360. For the period May 2009, the Claimant had gross earnings of \$738.

4. Per RFT 236, the income limit for eligibility is \$316. The Claimant's income exceeded the income limit and was no longer eligible for AMP.
5. The Claimant's income increased since she first applied for AMP in 2008. At that time, she was making \$7 per hour and working fewer hours.
6. During the hearing, the Claimant said she had no problem with the current amount of her FAP benefits and did not wish to proceed with the hearing with regard to her FAP benefits which were improperly closed by the Department but were reinstated with no interruption of benefits.
7. The Claimant's AMP benefits were terminated on July 31, 2009, due to excess income which was discovered by the Department during the Semi Annual Contact review.
8. The Claimant requested a hearing protesting the closure of AMP medical benefits due to excess income. on August 3, 2009 which was received by the Department on August 13, 2009 requesting a hearing regarding his medical program AMP benefits and food assistance.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM) and Reference Tables (RFT).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act, Section (1115)(a)(1) of the Act, and is administered by the Department pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BPRM).

Claimants must meet all eligibility requirements to receive AMP benefits. BEM 640. Income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. BEM 640. AMP income limits are contained in RFT 236, which is \$316 in the current case. Only countable income, per BEM 500, is used in determining AMP net income. BEM 640.

Claimant's total earned income, the amount of which is \$738 in the current case, must be counted. This amount was verified by the Claimant and the Department. The Claimant's gross income is more than the AMP income limit of \$316. Therefore, the closure of Claimant's AMP benefits was correct.

The Claimant can and is urged to apply for Medical Assistance to determine if she is eligible for a Medical spend-down program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct when it determined Claimant's earned income from wages exceeded the income limit for the AMP program.

Accordingly, the Department's decision in the above-stated matter is, hereby, **AFFIRMED**.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 29, 2010

Date Mailed: July 30, 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.

LMF/pf

cc:

