

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: 2009-32735
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 1, 2010
Otsego County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 July 1, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly determine the claimant's Adult Medical Program (AMP) application should be denied due to excess assets in June, 2009?

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 applied for AMP benefits on May 13, 2009. (Department Exhibit 1)
2. The claimant had at least \$5598.30 in assets. (Department Exhibit 5 – 7)
3. The claimant's AMP application was denied for excess assets on May 13, 2009.

(Department Exhibit 2)

4. The claimant submitted a hearing request on May 14, 2009.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy states:

FINANCIAL ELIGIBILITY FACTORS

AMP-H

Group

Use AMP policy in PEM 214.

Assets

Determine countable assets based on AMP policy in PEM 400.

The program group's countable assets cannot exceed the AMP asset limit in PEM 400.

PEM 400 indicates that the asset limit for the AMP program is \$3000. The claimant admits that she has assets in excess of the threshold. Therefore, the department did deny her AMP in accordance with policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly found the claimant had excess assets for AMP benefits in June, 2009.

Accordingly, the department's determination is UPHELD. SO ORDERED.

/s/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 2, 2010

Date Mailed: July 2, 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.

SLK 

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