

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: 2009-35229
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 18, 2009
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 November 18, 2009. The claimant personally appeared and testified under oath.

The department was represented by Coleen Park (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly decide to close claimant's AMP on August 4, 2009 due to excess employment 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) At all relevant times prior to the purposed negative action at issue here, claimant was a recipient of MA-P benefits.

(2) At a semi-annual review, the department discovered that claimant was employed.

In July 2009, claimant had gross earned income of approximately \$672.

(3) Claimant did not dispute the earned income amount used by the department.

(4) In July 2009, the AMP income limit was \$304 per month.

(5) Claimant's gross earnings of \$672 exceeded the AMP income limit in July.

(6) On July 23, 2009, the department issued a Notice of Case Action to claimant. The notice stated that claimant's AMP would be closed on August 31, 2009, due to excess income.

(7) Claimant filed a timely hearing request on July 30, 2009. The department reinstated claimant's AMP case pending the outcome of the hearing.

(8) On December 1, 2009, claimant's AMP case was closed pursuant to a hearing decision issued by ALJ Janice Spodarek. See Register No. 2009-14791 hearing held October 28, 2009).

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The applicable AMP monthly income limit is \$304. PAM 220, 402. PEM 500, 640.

The income eligibility determination made by the department is correct based on the fact that claimant's July current income is approximately \$672. This compares with the July AMP limit of \$304. Since claimant's earned income clearly exceeds the AMP income limit, the proposed closure of claimant's MA-P is correct.

After careful review of the record, the Administrative Law Judge concludes that the department's decision to close claimant's AMP, due to excess income, is correct. Finally, there is no evidence on this record of any arbitrary or capricious action by the department in this matter.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly decided to close claimant's AMP case due to excess earned income.

Accordingly, the department's action is, hereby, AFFIRMED.

SO ORDERED.

/s/
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 9, 2010

Date Mailed: March 10, 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.

JWS/tg

cc:

