

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: 2010-11051
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 5, 2010
Lenawee 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 January 5, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly determine the claimant's Adult Medical Program (AMP) case should close due to excess income in October, 2008?

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 receiving AMP benefits when the department determined that his monthly pension payment exceeded the income limit for the AMP program. (Department Exhibit 8, 11).

2. On September 30, 2008, the department mailed the claimant a Notice of Case Action indicating the claimant's AMP case would close due to excess income. (Department Exhibit 4).

3. The claimant submitted a timely hearing request on October 3, 2008, so the claimant's AMP benefits continued pending the administrative hearing. (Department Exhibit 3, 5)

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:

Income Eligibility

Application

Income eligibility exists when the program group's **net** income does not exceed the program group's AMP income limit.

Income Limit. The AMP income limits are in PRT 236. When the client's living arrangement changes during a month, use the living arrangement with the higher income limit.

Department policy requires the department to count the gross amount of retirement income (such as annuities or pensions) as unearned income. PEM 500. In this case, the claimant receives \$402.37 each month from his pension. This gross amount must be considered as his income. The income limits for AMP coverage are contained in PRT 236. The table effective October, 2008 lists the income limit at \$304. The table effective October, 2009 lists the income

limit at \$316. The claimant was over the income limit for both years and, therefore, is not eligible for AMP coverage.

It is noted that the claimant has claimed some disabilities and has already applied for Medicaid coverage based on disability (MA-P). This application is currently pending with the Medical Review Team (MRT). The claimant was also informed that he should apply for disability benefits through the Social Security Administration.

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 income for AMP coverage in October, 2008.

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: February 1, 2010

Date Mailed: February 3, 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.

