

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: 201017270
Issue No: 2001,2013
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 10, 2010
Wayne County DHS(43)

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 May 10, 2010 at which time the Claimant appeared and testified. Lacasa Godboldo, ES and Crystal Missouri, ES appeared and testified on behalf of the Department.

ISSUE

Was the claimant's AMP application properly denied for excess assets?

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 (FAP) benefits and Adult Medical Program (AMP) benefits.
2. The Claimant requested a hearing regarding the closure of his AMP medical benefits due to excess income.

3. The Claimant received unemployment benefits for the month beginning November 16, 2009 through January 16, 2010. The claimant's gross benefits were \$143 weekly. Exhibit 1
4. The Claimant's gross monthly income was \$572.
5. During the hearing, the Claimant said he had no problem with the current amount of his FAP benefits and did not wish to proceed with the hearing with regard to his FAP benefits.
6. The Claimant's AMP benefits were terminated due to excess income which was discovered by the Department during a review. Exhibit 2
7. The Claimant has a medical condition that requires medical attention.
8. The Claimant requested a hearing on January 24, 2010, which was received by the Department on January 22, 2010 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 of Human Services (DHS or 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; (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 (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 unearned income must be counted, the amount of which is \$572 in the current case, after taking into account claimant's UCB benefits of \$143 weekly. This amount was verified by the claimant himself and Department Exhibit 2. 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 unfortunately cannot reapply for AMP benefits as the program is presently closed.

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 unearned income from Unemployment Benefits 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: 06/11/10

Date Mailed: 06/11/10

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/dj

cc:

