

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.: 2010-33680
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 17, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a hearing was held in Clinton Township, Michigan on Thursday, February 17, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's Adult Medical Program ("AMP") benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an AMP recipient.
2. In January 2010, the Claimant received unearned income in the form of unemployment compensation benefits.
3. The AMP income limit for an individual was (is) \$316.00.
4. On February 2, 2010, the Department notified the Claimant of the termination of AMP benefits due to excess income.
5. On February 12, 2010, the Department received the Claimant's timely written request for hearing.

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 (formerly known as the Family Independence Agency) pursuant to MCL 400.10 *et seq.* Department policies are contained in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

The Department determines a client’s eligibility for program benefits based on the client’s actual income and/or prospective income. BEM 500 All countable earned and unearned income available to the client must be considered in determining the Claimant’s eligibility for program benefits. BEM 500 In February 2010, the date of the negative action, the monthly AMP income limit for an individual living independently (not in foster care, treatment center, hospital, long-term care, or home for the aged) was (is) \$316.00. RFT 236 In order to determine an individual’s net income for AMP purposes, \$200.00 is deducted from the client’s gross earnings. BEM 640 Next, an additional 20% is deducted from the amount. BEM 640 The net income figure is then compared with the AMP monthly income limit to determine eligibility. BEM 640

In this case, the Claimant collected unemployment compensation benefits in the reported monthly amount of \$800.00. After subtracting \$200.00 then deducting an additional 20 percent, the Claimant’s net income for AMP purposes was \$480.00 which was in excess of the \$316.00 income limit. Ultimately, the Department established it acted in accordance with department policy when it pended the Claimant’s AMP case for closure due to excess income. Accordingly, the Department’s actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it terminated the Claimant’s AMP benefits.

Accordingly, it is ORDERED:

The Department’s determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

2010-33680/CMM

Date Signed: 2/28/2011

Date Mailed: 2/28/2011

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.

CMM/jlg

cc:

