

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER:

[REDACTED]

Reg No. 201036118
Issue No. 2001
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: November 16, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 16, 2010.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's eligibility for Adult Medical Program (AMP) benefits.

FINDINGS OF FACT

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

1. During February 2010, claimant was a recipient of AMP. Her assistance was due for review.
2. On or about February 2010, the department determined that claimant received unemployment compensation of [REDACTED] biweekly. The monthly income limit to qualify for AMP is [REDACTED]. Claimant had excess income to qualify. Hearing Summary and Department sworn testimony.

3. Claimant conceded on the record to unemployment compensation of [REDACTED] bi-weekly.

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 manuals provide the following policy statements and instructions for caseworkers:

When determining eligibility for AMP, the household' income must be evaluated. All income must be included unless specifically excluded. Unemployment compensation is not excluded and must be counted when determining AMP eligibility. The AMP provides for a standard deduction from earned income of [REDACTED] plus 20%. A deduction is permitted for paid child support. Bridges Eligibility Manual (BEM) 640.

The department, in compliance with federal and state regulations, has established income standards to qualify for AMP. These standards are set forth at Reference Table (PRT) 236 and state that an individual, residing in independent living situation, with monthly countable income in excess of [REDACTED] does not qualify for AMP. Finding of Fact 1-3. Accordingly, a preponderance of the evidence establishes that the department improperly stated the AMP income limit to be [REDACTED] per month, rather than [REDACTED] per month. Despite this error, the department correctly determined claimant has excess income to qualify for AMP and properly terminated claimant's assistance. Therefore, the department's action must be upheld.

DECISION AND ORDER

The Administrative Law Judge based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy when it determined claimant's eligibility for Adult Medical Program benefits.

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

ISI
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 10, 2010

Date Mailed: December 13, 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 receipt 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.

JAB/db

cc:

