

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: 201039596
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 31, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on January 25, 2010. After due notice, a telephone hearing was held on Tuesday, August 31, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) eligibility?

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 Department approved the Claimant's application for the Adult Medical Program (AMP) on September 24, 2010.
2. The Claimant receives monthly unemployment compensation benefit in the gross monthly amount of [REDACTED].
3. On January 14, 2010, the Department completed a FAP budget and determined that the Claimant was not eligible for the Adult Medical Program (AMP), and notified the Claimant that it would terminate his benefits effective January 31, 2010.

4. The Department received the Claimant's request for a hearing on January 25, 2010, protesting the termination of MA benefits under the Adult Medical Program (AMP).

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Department approved the Claimant for MA benefits under the AMP category. On January 14, 2010, the Department completed a MA budget because the Claimant began receiving unemployment compensation on December 26, 2009. The Claimant's gross monthly income consists of unemployment compensation in the gross monthly amount of [REDACTED]. The Claimant's net income of [REDACTED] is determined by subtracting the standard deduction of [REDACTED], then an additional 20% from the Claimant's gross income. The AMP income eligibility limit is [REDACTED].

Based on the evidence and testimony available during the hearing, I find that the Department has established that it acted in accordance when it terminated the Claimant's AMP benefits due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's MA eligibility.

The Department's MA eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 16, 2010

Date Mailed: September 16, 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 60 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.

KS/vc

cc:

