

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

IN THE MATTER OF:



Reg. No: 201052282
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 8, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 on December 8, 2010.

ISSUE

Was the claimant's AMP application properly denied for an enrollment freeze?

FINDINGS OF FACT

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

- (1) Claimant applied for AMP in Wayne County on May 20, 2010.
- (2) Claimant was then evaluated for the Adult Medical Program.
- (3) At the time of the application, enrollment in AMP was frozen.
- (4) Claimant's AMP application was subsequently denied.
- (5) On August 19, 2010, claimant requested a hearing.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or Department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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).

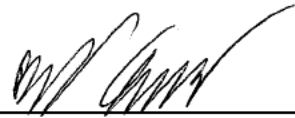
Claimants must meet all eligibility requirements to receive AMP benefits. BEM 640. However, a claimant may only be eligible for AMP if there is not an enrollment freeze. Any AMP application received during an enrollment freeze must be registered and denied. BEM 640. Claimant's application was registered during an enrollment freeze in AMP. Therefore, claimant's AMP application was correctly denied.

While claimant argued that he had once been an AMP recipient, and should therefore not be considered a new customer for the purposes of AMP, claimant's previous situation is irrelevant for the purposes of a new application. As claimant was not receiving AMP at the time of the application, and as his previous AMP case had been closed out, claimant's AMP application must be considered a new application.

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 was not eligible for AMP.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/14/10

Date Mailed: 12/20/10

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.

RJC/dj

cc:

