

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.: 2010-838
Issue No.: 2014/4013
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 17, 2010
Oakland County DHS (04)

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 Pontiac, Michigan on Wednesday, November 17, 2010. 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") and State Disability Assistance ("SDA") benefit programs?

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 FAP, AMP, and SDA recipient.
2. Effective September 1, 2009, the Claimant began receiving SSI and RSDI income in the monthly amount of \$694.00. (Exhibit 8)
3. During the FAP redetermination, the Department entered in the Claimant's SSI and RSDI income in the Bridges program.
4. As a result, the Claimant's AMP and SDA benefits were pended for closure due to excess income effective September 1, 2009.
5. On August 12, 2009, the Department notified the Claimant of the AMP and SDA termination.

6. On August 18, 2009, the Department received the Claimant's timely written request for hearing. (Exhibit 9)

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 State Disability Assistance ("SDA") program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in BAM, BEM, and BRM. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI or RSDI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness (MA-P) automatically qualifies an individual as disabled for purposes of the SDA program.

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. *Id.* In August 2010 (date of 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) is (was) \$316.00 or \$425.00 if married. 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. *Id.* An individual receiving SSI benefits is not entitled to the full \$269.00/monthly benefit. BEM 515; RFT 225

In this case, the Claimant began receiving SSI and RSDI income effective September 1, 2009. As a result of the \$694.00 monthly income, the Claimant was no longer eligible for AMP and SDA benefits. Ultimately, the Department established it acted in accordance with department policy when it terminated the Claimant's AMP and SDA benefits due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department established it acted in accordance with policy when it terminated the Claimant's AMP and SDA benefits due to excess income.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/29/2010

Date Mailed: 11/29/2010

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 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.

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