

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-8963
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 27, 2010
Montmorency County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Tuesday, April 27, 2010. The claimant personally appeared and testified on his own behalf with his mom, [REDACTED] as a witness.

ISSUE

Did the department properly determine that the claimant did not provide the required verification to determine continued eligibility for the Adult Medical Program (AMP)?

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 recipient of the AMP program.
- (2) Subsequently, the claimant provided a semi-annual contact report and verification of income signed August 28, 2009. (Department Exhibit 9-15)

(3) On October 9, 2009, the department caseworker calculated the claimant's eligibility for AMP based on earned income of [REDACTED] where the claimant received a [REDACTED] plus 20% earned income deduction of [REDACTED] resulting in net earned income of [REDACTED]. The AMP income level is [REDACTED] and the claimant's net income was [REDACTED], which resulted in the claimant failing the income test for AMP. (Department Exhibit 16-17)

(4) On October 9, 2009, the department caseworker sent the claimant a notice that effective November 1, 2009, that he had excess income for AMP. (Department Exhibit 19-22)

(5) On November 9, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

(6) During the hearing, the department caseworker ascertained that the claimant's vacation pay was counted as lump sum income.

(6) During the hearing, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to redetermine eligibility for AMP using the claimant's year-to-date income.

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to redetermine eligibility for AMP using the claimant's year-to-

date income. If the claimant does not agree with the determination, he may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the parties have reached an agreed upon settlement.

The department is **ORDERED** to redetermine the claimant's eligibility for AMP using the claimant's year-to-date income, if it has not already done so.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 10, 2010

Date Mailed: June 10, 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.

CGF/vc

cc:

[REDACTED]