

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: 2010-8987
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 5, 2010
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 May 5, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Adult Medical Program (AMP) benefits in September, 2009?

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 was an AMP recipient when his case came due for annual review.
2. Claimant returned review form along with a checking account statement with a balance of over \$4,000 and a statement from [REDACTED] showing retirement plan assets of \$11,341.13. (Department's Exhibits 1-4).

3. On September 8, 2009 department completed an AMP budget that shows that the claimant's assets of \$16,101.60 exceeded AMP asset limit of \$3,000. (Department's Exhibit 5).

4. Department terminated claimant's AMP benefits and he subsequently requested a hearing on September 21, 2009.

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

Claimant testified that he is not contesting the AMP closure and understands that his assets exceeded the allowable asset limit for AMP of \$3,000. BEM 400. Claimant is inquiring about obtaining AMP coverage at this time. AMP benefits for applicants are not available due to an enrollment freeze in effect as of several months ago due to shortage of funding for this program. Therefore, eligibility for AMP cannot be considered. BEM 640. This fact was explained to the claimant at the hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's AMP benefits in September, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 18, 2010

Date Mailed: May 19, 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.

IR/tg

cc:

[REDACTED]