

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: 2010-24605
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 13, 2010
St. Joseph 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 February 4, 2010. After due notice, a telephone hearing was held on Tuesday, April 13, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for Adult Medical Program (AMP) benefits?

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 received AMP benefits from January 1, 2010, through January 31, 2010. Department Exhibit 8.

(2) The Claimant received [REDACTED] in earned income from [REDACTED] during the third quarter of 2009. Department Exhibit 1.

(3) The Claimant received [REDACTED] in earned income from [REDACTED] [REDACTED]. Department Exhibit 3.

(4) The Department redetermined the Claimant's eligibility for AMP on January 13, 2010, and the Claimant was not eligible for AMP benefits. Department Exhibit 20. Department Exhibit 20.

(5) On February 4, 2010, the Department received the Claimant's request for a hearing, protesting the termination of his AMP benefits.

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 Bridges Reference Manual (BRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or Department), administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. 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).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income

that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. BEM 505.

The Claimant testified that he was not appealing his FAP allotment because he was not aware of any problem with these benefits, and that he did not want a hearing concerning his FAP eligibility.

The Claimant received [REDACTED] in earned gross monthly income from two sources. The Department divided Claimant's [REDACTED] income for the quarter by three, and added this to his other monthly-earned income of [REDACTED]. Claimant's net income of [REDACTED] was determined by reducing his gross income by \$200 plus 20%. Claimant's net income exceeds the AMP income level of [REDACTED]. RFT 236. I find that the Department established that it acted in accordance with policy in terminating 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 established that it acted in accordance with policy in terminating Claimant's AMP benefits.

Accordingly, the Department's AMP eligibility determination is AFFIRMED, it is SO ORDERED.

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

Date Signed: April 26, 2010

Date Mailed: April 27, 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/vmc

cc:

