

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.: 2010-38514
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 29, 2010
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 November 29, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Adult Medical Program (AMP) benefits due to excess income.

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 ongoing AMP recipient.
2. As of 1/2010, Claimant was receiving \$736/two weeks in ongoing unemployment compensation (UC).
3. On 1/19/10, DHS redetermined Claimant's eligibility for AMP coverage and determined that Claimant had excess income for AMP eligibility effective 3/2010.
4. Claimant requested a hearing on 3/15/10 disputing the termination of AMP benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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.* AMP is a program within the MA benefit program.

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The Medicaid program is comprised of several sub-programs or categories. BEM 105 at 1. One category is FIP recipients; another category is SSI recipients. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories.

As of 1/2010, the month that DHS determined Claimant to be over-income for AMP benefits, Claimant did not assert being any of the following: disabled, pregnant, under 21 years of age, over 65 years of age or a caretaker of minor children. Accordingly, Claimant was not eligible for any FIP-related or SSI-related MA categories and could only be eligible for MA benefits through AMP.

To calculate a client's income for purposes of AMP benefit eligibility, DHS is to calculate a client's monthly income using amounts already received in the processing month. In addition, DHS is to estimate amounts likely to be received during the remainder of the month. *Id.* at 4. For all programs, DHS is to count the gross amount of UC income. BEM 503 at 25.

In the present case, DHS processed Claimant's AMP benefits in 1/2010; thus, 1/2010 is the processing month. In 1/2010, it was not disputed that Claimant received two \$736 payments in gross UC income. Claimant's UC income included \$50/two weeks as

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payment from the American Recovery and Reinvestment Act (ARRA). DHS is to disregard UC income that is paid from ARRA. It is found that Claimant's monthly income for purposes of AMP benefit eligibility is found to be \$1372.

Income eligibility for AMP exists when the program group's countable monthly income does not exceed the program group's AMP income limit. BEM 640 at 3. The AMP monthly income limit for a group of one is \$316. Claimant's income (\$1372) exceeds the AMP program income limit. Accordingly, Claimant is not income-eligible for AMP benefits and DHS properly terminated Claimant's ongoing AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's AMP benefit coverage effective 3/1/10 due to excess income. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/13/2010

Date Mailed: 12/13/2010

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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