

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: 2010-43052
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 2, 2010
Barry County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 September 2, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly close the claimant's Adult Medical Program (AMP) case due to excess assets in April, 2010?

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 active AMP when his case came due for a redetermination. The claimant returned the Redetermination form (DHS-1010) on March 29, 2010. (Department Exhibit 1 – 4)

2. On March 29, 2010, the claimant was mailed a Verification Checklist (DHS-3503) requiring him to submit current savings/checking account statements, verification of the claimant's Worker's Compensation settlement and receipts for any money that was spent. (Department Exhibit 5)

3. On April 8, 2010, the claimant submitted bank account statements showing he had a balance of \$7593.56 in his savings account and \$7661.53 in his checking account. (Department Exhibit 6 – 9)

4. On April 12, 2010, the department mailed the claimant a Notice of Case Action (DHS-1605) that indicated his AMP would be closing due to excess assets. (Department Exhibit 10 – 12)

5. The claimant submitted a hearing request on April 16, 2010.

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).

Department policy states:

ASSETS

DEPARTMENT POLICY

FIP, SDA, LIF, Group 2 Persons Under Age 21, Group 2 Caretaker Relative, SSI-Related MA, and AMP

Assets must be considered in determining eligibility for FIP, SDA, LIF, Group 2 Persons Under Age 21 (G2U), Group 2 Caretaker Relative (G2C), SSI-related MA categories and AMP.

- . “CASH” (which includes savings and checking accounts)
- . “INVESTMENTS”
- . “RETIREMENT PLANS”
- . “TRUSTS” BEM, Item 400.

AMP Asset Limit

AMP Only

\$3,000. BEM, Item 400, p. 3.

In this case, the claimant is disputing the department’s determination to close his AMP benefits for excess assets. Department policy indicates that AMP recipients can not have assets over \$3000. BEM 400.

The claimant reported to his worker in December, 2009 that he had received a Worker’s Compensation settlement in the amount of \$72,000. While the claimant reported this information in December, 2009, the department failed to take any action based on this information. It wasn’t until the claimant’s AMP redetermination came due in April, 2010 that the department requested further information about the claimant’s assets.

The department worker requested verification of the claimant’s checking and savings accounts on March 29, 2010. The claimant submitted bank account statements to the department on April 8, 2010. These statements show that the claimant had a current balance in his savings account of \$7593.56 and \$7661.53 in his checking account. These amounts show that the claimant did have assets in excess of \$3000.

The claimant testified that he was in debt and had to pay this money to creditors. However, the claimant provided no documentation of any bills he had to pay. The department requested receipts from where the money was spent on the March 29, 2010 Verification Checklist. The claimant provided no receipts to the department at any time. Further, the accounts clearly show the claimant still had cash in excess of \$15000 at the time of the

redetermination. Thus, this Administrative Law Judge finds the claimant did have excess assets to continue to receive AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's Adult Medical Program (AMP) case due to excess assets in April, 2010.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 7, 2010

Date Mailed: September 7, 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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