

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-43272
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 16, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 16, 2010 in Detroit (Dist. #76). Claimant personally appeared and testified under oath.

The department was represented by Terry Bailey (FIM) and Yvette Ali (APW).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly decide to close claimant's AMP case 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 is a former AMP recipient.
- (2) On April 2010, claimant's caseworker conducted a yearly eligibility review.
- (3) On April 1, 2010, the caseworker prepared an AMP eligibility budget. The budget shows gross earned income of \$756 and net countable income of \$445. The current AMP monthly income limit is \$316.

- (4) The budget shows that claimant had excess income (\$129) on April 1, for AMP eligibility purposes.
- (5) On April 1, 2010, the caseworker sent claimant a Negative Action Notice advising claimant that her AMP would close, effective May 1, 2010, due to excess income.
- (6) On April 12, 2010, claimant requested a hearing.

CONCLUSIONS OF LAW

ISSUE #1

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).

The department's income and eligibility policies provide a budgeting system for determining AMP eligibility. Eligibility is determined by the department's computer, based on household size and income, if any. PEM/BEM 500, 518, and 550.

The department's manual provides that all earned and unearned income received by the AMP group must be included as household income for eligibility purposes. PEM/BEM 500.

The preponderance of the evidence in the record establishes that the April 2010 AMP income limit for claimant was \$316. Since claimant's adjusted income in April 2010 was \$445, claimant's household income, in April 2010 exceeded the AMP income limit of \$316.

Therefore, the department correctly decided to close claimant's AMP case 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 correctly calculated claimant's AMP eligibility in April 2010, and correctly decided to close claimant's AMP case based on excess income.

Therefore, the department's actions are, hereby, AFFIRMED.

SO ORDERED.

/s/ _____

Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 3, 2010


Date Mailed: December 3, 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 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.

JWS/tg

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