

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: 201047176
Issue No: 2015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 3, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on November 3, 2010.

ISSUE

Did the Department properly close claimant's AMP case?

Was the claimant properly considered for MA in wake of the AMP closure?

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 in Wayne County.
- (2) Claimant became ineligible for her AMP benefits on May 10, 2010.
- (3) Claimant's AMP case was closed on June 1, 2010.
- (4) Claimant is income ineligible for AMP.

- (5) Claimant was not evaluated for eligibility for all Medicaid programs upon her AMP closure.
- (6) Claimant requested a hearing on June 11, 2010.

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 (DHS or Department) 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 Bridges Reference Manual (BRM) and Reference Tables (RFT).

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. The Department must consider all the MA category options in order for the client's right of choice to be meaningful. **Eligibility under all categories must be considered when eligibility ceases in one category.** BEM 105.

The Department testified that the claimant's eligibility for AMP ceased on May 10, 2010. According to evidence submitted, the Department considers AMP to be a form of Medicaid. However, the Department testified under oath that upon this closure, claimant was not evaluated for any other MA program besides AMP.

As there is nothing in the file that shows that the claimant was evaluated for all other forms of Medicaid, and as the Department testified under oath that the claimant

was not evaluated for all other forms of Medicaid, the undersigned holds that the claimant was not evaluated for all forms of Medicaid.

As such, the Department committed a clear error and must reconsider the closure.

With regard to claimant's AMP, claimant testifies that she receives \$661 in unearned income. The AMP income level is \$316. Therefore, the AMP closure was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct when it closed claimant's AMP case. The Department was incorrect when it failed to consider claimant for any other MA program.

Accordingly, the Department's decision in the above stated matter is, hereby, **AFFIRMED IN PART AND REVERSED IN PART.**

The Department is **ORDERED** to evaluate claimant's eligibility for all Medicaid programs retroactive to the date of negative action.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/19/10

Date Mailed: 11/22/10

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.

RJC/dj

cc:

