

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201048928
Issue No: 2014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 30, 2010
Wayne DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received by the department on June 22, 2010. After due notice, a telephone hearing was held on November 30, 2010. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny Claimant's Adult Medical Program (AMP) application for 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. During a redetermination telephone interview with Claimant on June 3, 2010, the department denied Claimant's AMP benefits for excess income. (Department Exhibit 1-2).
2. Claimant requested a hearing on June 22, 2010, protesting the closing of his AMP case. (Request for a Hearing).

CONCLUSIONS OF LAW

Department policy provides that income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. BEM 640. The AMP

income limits are in RFT 236. The department must use only available income. Available income means income which is received or can reasonably be anticipated. Available income includes amounts garnished from income, joint income, and income received on behalf of a person by his representative. BEM 640. Average income received in one month which is intended to cover several months. Divide the income by the number of months it covers to determine the monthly available income. The average amount is considered available in each of the months. When determining income from the past month, use the amount actually received in the past month. BEM 640.

For the individual income deduction, deduct \$200.00 from a program group member's gross earnings. Then deduct 20% of the person's remaining gross earnings. The total disregard cannot exceed the person's gross earnings. BEM 640.

In this case, the department looked at Claimant's past month's actual income. For the month of May 2010, Claimant received \$666.00. Claimant does not dispute his earnings. In order to determine Claimant's net income, the department subtracted \$200.00 from his actual income leaving \$466.00. The \$466.00 is then multiplied by 20% for \$93.00. The \$200.00 individual income deduction, and the 20% deduction of \$93.00, results in an earned income deduction of \$293.20. The earned income deduction of \$293.00 is then subtracted from Claimant's actual income of \$666.00 resulting in net earned income of \$372.80 for the time period in question.

A claimant with a group size of one has a maximum income limit of \$316.00. RFT 236. Because Claimant's net income of \$372.80 exceeded the allowable AMP monthly income limit of \$316.00, Claimant is not entitled to AMP benefits for the time period in question.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in determining Claimant's AMP eligibility.

The department's AMP eligibility determination is AFFIRMED. It is SO ORDERED.

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

Date Signed: December 20, 2010

Date Mailed: December 20, 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.

VLA [REDACTED]

cc: [REDACTED]