

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: 201052042
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: December 7, 2010
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 12/7/10.

ISSUE

Did the DHS properly deny claimant's Adult Medical Program (AMP) application?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On 7/21/10, claimant applied for AMP.
2. At the time of claimant's application, there was a freeze on enrollment.
3. On 8/5/10, the DHS denied claimant's AMP application for the following reason: "We are unable to determine your eligibility for the AMP program because the program is closed to new enrollments at this time."
4. On 8/13/10, claimant filed a hearing request.

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).

AMP policy and procedure is found in BEM Item 640. Under this policy and procedure as well as other DHS rules, AMP is only available for new applications during open enrollment periods.

Claimant applied in July, 2010. At that time, the AMP program was frozen and new enrollments were not being taken. Under BEM 640, the department was required to deny claimant's application.

As the department's actions were correct under its policy and procedure, this ALJ must uphold the department's denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's denial of claimant's AMP application on 7/21/10 is hereby UPHELD.

/s/
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 17, 2010

Date Mailed: December 17, 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.

JS/vc

cc:

