

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: 201110240
Issue No: [REDACTED]
Case No: [REDACTED]
Hearing Date: February 15, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. 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 February 15, 2011.

ISSUE

Did the DHS properly deny claimant's AMP for excess income and Medicaid on the grounds that claimant failed to verify that she applied for SSI benefits?

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 October 22, 2010, claimant applied for Medicaid and AMP with the Michigan DHS.
2. As of the date of application, claimant collected Unemployment Benefits from the State of [REDACTED] in the amount of [REDACTED] every other week. Claimant was also working part-time at [REDACTED]. Verifications received by the department and budgeted on the AMP budget shows total earned income at [REDACTED].

3. On November 30, 2010, the DHS denied claimant's AMP for excess income. Claimant's Medicaid was denied for failure to verify that she applied for SSI.
4. On December 7, 2010, claimant filed a hearing request.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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).

Income limits are set under RFT 236 for the AMP program. For an individual, the cap for independent living is [REDACTED] per month. RFT 236.

Claimant's income between her unemployment and earned income far exceeds the income cap for the AMP program of [REDACTED]. Thus, the department correctly denied claimant's AMP on the grounds of excess income.

With regards to MA eligibility, there are a number of eligibility requirements applicants must verify in order to establish eligibility. Among these requirements is the requirement that an individual comply with the verification requests of the department. Claimant received a Verification Checklist which included, among other verifications, the instruction that claimant was to deliver verification that she applied for SSI. BEM Item 270. Claimant stipulated on the record that she did not deliver the verification as she did not, and to date, has not applied for SSI.

Under BEM Item 270, the department policy requires verification of a Social Security application. Thus, the department's denial is upheld.

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 denials are UPHELD.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 22, 2011

Date Mailed: February 22, 2011

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.

JGS/db

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