

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.: 2011-12831
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: March 31, 2011
DHS County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on March 31, 2011. Claimant appeared and testified. [REDACTED]

[REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUES

Whether DHS acted in accordance with its policies and procedures when it denied Claimant Medical Assistance (MA or Medicaid) Adult Medical Program (AMP) benefits?

FINDINGS OF FACT

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

1. On or about December 11, 2010, Claimant applied for MA-AMP benefits for herself with DHS.
2. On December 11, 2010, DHS denied Claimant's application because her earnings were higher than the maximum income allowable for a family of one person, i.e., \$316 per month.
3. On December 11, 2010, Claimant filed a Request for a Hearing with DHS.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the U.S. Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

AMP was established by Title XXI of the Social Security Act, Sec. (1115)(a)(1), and is administered by DHS pursuant to MCL 400.10 *et seq.* DHS' policies are contained in BAM, BEM and RFT. *Id.*

The DHS manuals are the policies and procedures that DHS officially created for its own use. While the manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable manual Items are, I will examine whether they were followed in this case.

In this case, the relevant manual Item to consider is RFT 236, "AMP Income Levels (By Living Arrangement)." This DHS chart shows the maximum income a person can have and be qualified to receive AMP benefits. RFT 236 states that for an individual person who is living independently, the maximum income allowed is \$316 per month. There is no dispute in this case that Claimant's income exceeds \$316 per month.

At the hearing, Claimant testified that she understood the meaning of RFT 236, but did not agree with it because she could not pay her bills on her current income and needed help. While I can understand and sympathize with her difficult situation, I can only find and conclude that DHS acted in accordance with its policy and procedure in denying Claimant AMP benefits pursuant to RFT 236.

In conclusion, based on the above findings of fact and conclusions of law, I conclude and determine that in this case, DHS is AFFIRMED. DHS need take no further action in this matter.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that DHS is AFFIRMED. DHS need take no further action with regard to this matter.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 11, 2011

Date Mailed: April 13, 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.

JL/pf

cc:

