

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

CYNTHIA HAYES
24616 LAETHAM AVE
EASTPOINTE, MI 48021

Reg No.	201114306
Issue No.	2001
Case No.	112839469
Load No.	5020000000
Hearing Date:	May 18, 2011
	Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on May 18, 2011. The Claimant appeared and testified. The Department was represented by Mazzie Booker, ES.

ISSUE

Was the Department correct in its decision to deny Claimant's application for the Adult Medical Program (AMP)?

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 applied for AMP on November 24, 2010.
2. Claimant is fifty-two years of age, not disabled, not pregnant, and not a caretaker or refugee.
3. Claimant had unearned income of \$1,404.00 per month.
4. On December 1, 2010, the Department denied Claimant's application due to excess income.
5. Claimant requested a hearing on the denial on December 13, 2010.

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 (formerly known as the Family Independence Agency) pursuant to MCL 400.10 *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM,) which includes the Reference Tables (RFT.)

BEM 640 dictates that income eligibility is met when the net income does not exceed the AMP income limit. To calculate net income, \$200.00 is taken from gross earnings. In addition, a deduction of 20% is taken from the remaining gross earnings. RFT 236 shows the AMP monthly income limit for an individual to be \$316.00.

There are Medical Assistance (MA) categories for clients who are:

- Age 65 or older, blind, or disabled.
- Pregnant or recently pregnant.
- Caretaker relatives of dependent children.
- Under age 21.
- Refugees.

BEM 640, p.1

In the present case, Claimant had unearned income of \$1,404.00 per month in Unemployment Compensation. Claimant's net income of \$1,404.00 exceeds the income limit of \$316.00. The Department was therefore correct in its denial of Claimant's AMP application. It is noted that Claimant testified at the hearing that she did not meet the other categories of MA listed above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Department's decision to deny Claimant's AMP application was correct and it is ORDERED that the Department's decision is therefore AFFIRMED.

Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

2011-14306/SCB

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.

SCB/ctl

cc: C. Hayes
Macomb County DHS (20)
M. Best
S. Burke
Administrative Hearings