

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.: 201115719
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: March 31, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 March 31, 2011. The Claimant appeared at the hearing along with her representative [REDACTED] and both testified. Ms. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's 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) Claimant applied for AMP benefits on November 30, 2010.
- (2) Claimant received \$675 in employment income in November 2010.
- (3) On December 29, 2010, the Department denied Claimant's AMP application due to excess income.
- (4) Claimant requested a hearing on January 4, 2011 contesting the denial of AMP benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

For AMP benefits, 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 and spouse to be \$316.00. A deduction for child support paid is also taken when relevant. BEM 640, p. 4.

In addition to AMP, there are 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 earned \$675 per month from her employer. Claimant's earned income of \$675 per month yields \$380 per month after the above-described deductions. Claimant's net income of \$380 exceeds the income limit of \$316 for an individual for the AMP program. The Department was therefore correct in its denial of Claimant's AMP application. Claimant did not otherwise qualify for medical assistance, as she was not determined to be disabled, blind, a caretaker, or a refugee and did not meet the age qualifications. Claimant testified that she needs medical assistance, and while I sympathize with Claimant, Department policy does not afford assistance in this particular instance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant's AMP application, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 6, 2011

Date Mailed: May 6, 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.

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