

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 201117034  
Issue No: 2001, 5000  
Case No: [REDACTED]

Hearing Date:  
May 4, 2011  
Genesee County DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on December 20, 2010. After due notice, a telephone hearing was held on Wednesday, May 4, 2011.

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) and State Emergency Relief (SER) eligibility?

**FINDINGS OF FACT**

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

1. The Claimant applied for Medical Assistance (MA) on November 15, 2010.
2. The Claimant receives weekly unemployment compensation in the gross weekly amount of \$349.
3. On January 24, 2011, the Department notified the Claimant that it had denied her application for Medical Assistance (MA) under the Adult Medical Program (AMP) due to excess income.

4. The Department received the Claimant's request for a hearing on December 20, 2010, protesting the denial of Medical Assistance (MA) under the Adult Medical Program (AMP), and the Department's failure to issue State Emergency Relief (SER) benefits.

### **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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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 Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Claimant applied for Medical Assistance (MA) on November 15, 2010. The Claimant receives weekly unemployment compensation in the gross weekly amount of \$349. The monthly income limit to receive benefits under the Adult Medical Program (AMP) is \$316. Therefore, the Department denied the Claimant's application to the Adult Medical Program (AMP).

The Claimant argued that the Department failed to act in accordance with policy when it failed to approve or deny her request for State Emergency Relief (SER) benefits within ten days.

The Department's representative testified that the Claimant did not submit an application for State Emergency Relief (SER) benefits.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600. The State Office of Administrative Hearings and Rules ("SOAHR") may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments
- Reduction in the amount of program benefits or service
- Suspension or termination of program benefits or service
- Restrictions under which benefits or services are provided
- Delay of any action beyond the standard of promptness
- For FAP only, the current level of benefits or denial of expedited service

BAM Item 600, page 1. Additionally, for MA purposes, SOAHR may grant a hearing on other issues not applicable here, such as community spouse income, allowance, asset assessment, etc.

In this case, the Claimant failed to establish that she submitted an application for State Emergency Relief (SER) benefits. Since the Claimant did not submit an application for SER benefits, this Administrative Law Judge lacks the jurisdiction to hear or decide upon the Claimant's grievance over the State Emergency Relief (SER) program. The Claimant's hearing request is dismissed with respect to the SER program.

Based on the evidence and testimony available during the hearing, the Department has established that it acted in accordance with policy when it denied the Claimant's Medical Assistance (MA) application due to excess income.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Medical Assistance eligibility.

The Department's Medical Assistance eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Request for Hearing is **DISMISSED** with respect to State Emergency Relief (SER) benefits.

/s/  
Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: May 18, 2011

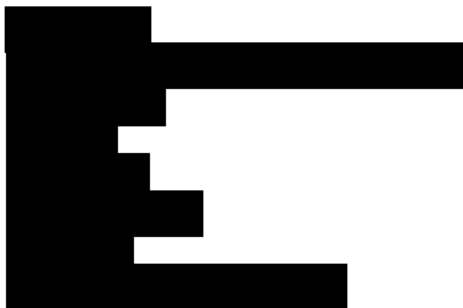
Date Mailed: May 18, 2011

**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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/tg

cc:

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